SUTRO
STACKS

SAN FRANCISCO PUBLIC LIBRARY

VITA SINE LITERIS MORS EST

Class
+974.1 M284 7

Accession
89024

NOT TO BE TAKEN FROM THE LIBRARY

Form 64—2M—8-4-14 96

COLLECTIONS

OF THE

MAINE HISTORICAL SOCIETY

SECOND SERIES

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. VII

CONTAINING

THE FARNHAM PAPERS

1603–1688

COMPILED

By MISS MARY FRANCES FARNHAM

Member of the Oregon Historical Society and of
the American Historical Society

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
APPROPRIATIONS FROM THE STATE

PORTLAND
THE THURSTON PRINT
1901

x974.1
M284^{7}

89024

TABLE OF CONTENTS.

PAGE.

I. Extracts from the Patent of Acadia, by Henry IV. of France, November 8–18, 1603, ... 1

II. Extracts from the First Charter of Virginia, by James I. of England, April 10–20, 1606, ... 6

III. Grant of Exclusive Trade to New Netherlands, by the States General of the United Netherlands, October 11–21, 1614, ... 12

IV. Petition for a Charter of New England, by the Northern Company of Adventurers, March 3–13, 1619–20, . 15

V. Warrant for the Patent of New England, by James I. of England, July 23–August 2, 1620, ... 18

VI. Great Patent of New England, by James I. of England, November 3–13, 1620, ... 20

VII. First Falmouth Patent, by the Great Council for New England, June 1–11, 1621, ... 45

VIII. Extracts from the Charter of the Dutch West India Company, by the States General of the United Netherlands, June 3–13, 1621, ... 53

IX. Extracts from the Charter of Nova Scotia, by James I. of England, September 10–20, 1621, ... 57

X. Minutes of the First Division of the Great Patent, by the Great Council for New England, June 24–July 4, 1622, ... 61

XI. Grant of the Province of Maine, by the Great Council of New England, August 10–20, 1622, . . . 64

XII. Memorandum of the Grant to Christopher Levett, by the Great Council for New England, May 5–15, 1623, 72

XIII. Second Division of the Patent, by the Great Council for New England, June 29–July 9, 1623, . . . 73

XIV. Extracts from the Novodamus Charter of Nova Scotia, by Charles I. of England, July 12–22, 1625, . . 76

XV. Brown Deed at Pemaquid, by Samoset and Unongoit, Sagamores, July 15–25, 1625, ... 80

XVI. Extracts from the Charter of Canada, by Charles I. of England, February 2–12, 1628–9, ... 82

PAGE.
XVII. Extracts from the Charter of Massachusetts Bay, by Charles I. of England, March 4–14, 1628–9, . . 86
XVIII. Treaty of Suza, between Louis XIII. of France and Charles I. of England, April 24–May 4, 1629, . . 92
XIX. Extracts from the Grant of New Hampshire, by the Great Council for New England, November 7–17, 1629, ... 95
XX. Laconia Patent, by the Great Council for New England, November 17–27, 1629, ... 98
XXI. Charter of Plymouth Colony, by the Great Council for New England, January 13–23, 1629–30, . . 108
XXII. Grant of Land to Lewis and Bonighton, by the Great Council for New England, February 12–22, 1629–30, 117
XXIII. Grant of Land to Oldham and Vines, by the Great Council for New England, February 12–22, 1629–30, 121
XXIV. Extracts from the Muscongus Patent, by the Great Council for New England, March 13–23, 1629–30, . 125
XXV. Grant to Claude La Tour, by Sir William Alexander, April 30–May 10, 1630, ... 128
XXVI. Notes on the Lygonia Grant, by the Great Council for New England, June 26–July 6, 1630, . . 133
XXVII. Black Point Patent, by the Great Council for New England, November 1–11, 1631, ... 137
XXVIII. Pascataway Grant, by the Great Council for New England, November 3–13, 1631, ... 143
XXIX. Abstract of the Grant to Richard Bradshaw, by the Great Council for New England, November 4–14, 1631, ... 150
XXX. Trelawny Patent, by the Great Council for New England, December 1–11, 1631, ... 152
XXXI. Abstract of the Agamenticus Grant, by the Great Council for New England, December 2–12, 1631, . 159
XXXII. Abstract of the Grant of Richmond's Island, by the Great Council for New England, December 2–12, 1631 162
XXXIII. Abstract of the Grant of Cape Porpoise, by the Great Council for New England, December 2–12, 1631, 163
XXXIV. Grant of Pemaquid, by the Great Council for New England, February 29–March 10, 1631–2, . . 165
XXXV. Concession of the River and Bay of St. Croix to Razilly, by the Company of New France, May 14–24, 1632, ... 172

PAGE.

XXXVI. Extracts from the Treaty of St. Germain, between Louis XIII. of France and Charles I. of England, May 29–June 8, 1632, ... 175

XXXVII. Deposition Concerning the Pejepscot Patent, by the Great Council for New England, June 16–26, 1632, ... 177

XXXVIII. Livery of Land at Cape Porpoise by Walter Neale, May 23–June 2, 1633, ... 179

XXXIX. Ratification in Favor of Viscount Stirling, by Parliament of Scotland, June 28–July 8, 1633, . 181

XL. Final Division of the Patent for New England, by the Great Council for New England, February 3–13, 1634–5, ... 183

XLI. Extracts from the Patent of the County of Canada, by the Great Council for New England, April 22–May 2, 1635, ... 189

XLII. Grant of Masonia, by the Great Council for New England, April 22–May 2, 1635, ... 191

XLIII. Declaration for Resignation of the Great Charter, by the Great Council for New England, April 26–May 6, 1635, ... 196

XLIV. Humble Petition for Act of Surrender of the Great Patent, by the Great Council for New England, May 1–11, 1635, ... 201

XLV. Act of Surrender of the Great Patent, by the Great Council for New England, June 7–17, 1635, . 203

XLVI. Extracts from the Charter of New Hampshire, by Charles I. of England, August 19–29, 1635, . . 205

XLVII. Indenture of Land on the Newichewannock, by Sir Ferdinando Gorges, September 17–27, 1635, . 208

XLVIII. Concession of Acadia to Sir Charles La Tour, by the Company of New France, January 15–25, 1635–6, 212

XLIX. Lease of Land at Casco Bay, by Sir Ferdinando Gorges, January 27–February 6, 1636–7, . . 214

L. Commission to Sir Ferdinando Gorges as Governor of New England, by Charles I. of England, July 23–August 2, 1637, ... 219

LI. Charter of the Province of Maine, by Charles I. of England, April 3–13, 1639, ... 222

LII. Conveyance of Lands at Pejepscot to Governor Winthrop, by Thomas Purchas, August 22–September 1, 1639, ... 243

PAGE.

LIII. Commission to Sir Thomas, Jocelyn and Others, by Sir Ferdinando Gorges, September 2–12, 1639, . . . 245

LIV. Commission, with Ordinances, to Thomas Gorges, by Sir Ferdinando Gorges, March 10–20, 1639–40, . 248

LV. Assignment of Plymouth Charter to the Freemen, by Governor Bradford, March 2–12, 1640–41, . . 256

LVI. Commission to Lord D'Aulney Charnizay, by Louis XIV. of France, February, 1647–8, . . . 259

LVII. Social Compact to Secure Independent Government, by Wells, Gorgeana and Piscataqua, July, 1649, . 265

LVIII. Petition to Parliament for Protection, by the General Court of the Province of Maine, December 5–15, 1651, ... 267

LIX. Letters Patent Confirming Sir Charles La Tour in Acadia, by Louis XIV. of France, February 25–March 7, 1651–2, ... 269

LX. The County of Yorkshire Created, by the General Court of Massachusetts Bay, November 20–30, 1652, ... 273

LXI. Petition for Enlarged Privileges on the Kennebec River, by Edward Winslow for New Plymouth, March 8–18, 1652–3, ... 277

LXII. Extracts from the Treaty of Westminster, between Oliver Cromwell, Lord Protector of the Republic of England and Louis XIV. of France, November 3–13, 1655, ... 278

LXIII. Extract from the Grant of Acadia to La Tour and Associates, by Oliver Cromwell, Lord Protector of England, August 9–19, 1656, ... 280

LXIV. Commission to Sir Thomas Temple as Governor of Nova Scotia, by Oliver Cromwell, Lord Protector of England, September 17–27, 1656, . . . 282

LXV. Jurisdiction Extended over Lygonia, by the General Court of Massachusetts Bay, October 19–29, 1658, ... 288

LXVI. Patent Constituting a Council for Trade, by Charles II. of England, November 7–17, 1660, ... 292

LXVII. Indenture for the Purchase of Lands on the Kennebec River, by the General Court of Plymouth, October 27–November 6, 1661, ... 29e

LXVIII. Commission to Francis Champernoon and Others, by Ferdinando Gorges, June 21–July 1, 1664, . . 301

PAGE.
LXIX. Extracts from the Grant of Pemaquid to James, Duke of York, by Charles II. of England, March 12–22, 1664–5, ... 304
LXX. Report in Favor of Provincial Government in Maine, by the King's Commissioners, June 23–July 3, 1665, ... 307
LXXI. Abstract of the Treaty of Breda, between Charles II. of England and Louis XIV. of France, July 21–31, 1667, ... 311
LXXII. Extracts from the Peace of Breda, between Charles II. of England and the States General, July 21–31, 1667, ... 314
LXXIII. Order for Submission of the Province of Maine, by the General Court of Massachusetts Bay, May 27–June 6, 1668, ... 317
LXXIV. Extracts from the Treaty of Westminster, between Charles II. of England and the States General, February 9–19, 1673–4, ... 319
LXXV. Order for Commissioners to Hold Court at Pemaquid, by the General Court of Massachusetts Bay, May 27–June 6, 1674, ... 322
LXXVI. Extracts from the Grant of Pemaquid, Renewed to James, Duke of York, by Charles II. of England, June 29–July 9, 1674, ... 323
LXXVII. Commission to Major Andros as Governor of New York, by James, Duke of York, July 1–11, 1674, ... 326
LXXVIII. Commission to John Rhoades for Possession of Acadia, by the General West India Company, September 11–21, 1676, ... 328
LXXIX. Appointment of Cornelis Steenwyck, by the General West India Company, October 27–November 7, 1676, ... 330
LXXX. Judgment in Favor of Ferdinando Gorges, by the Council for Trade and Plantations, July 20–30, 1677, ... 334
LXXXI. Abstract of the Treaty of Westminster, between Charles II. of England and the States General, March 3–13, 1677–8, ... 341
LXXXII. Deed of the Province of Maine to John Usher, by Ferdinando Gorges, March 13–23, 1677–8, . . 343

PAGE.
LXXXIII. Deed of the Province of Maine to the Governor and Company of Massachusetts Bay, by John Usher, March 15–25, 1677–8, ... 350
LXXXIV. Organization of Government in the Province of Maine, by the General Court of Massachusetts, February 4–14, 1679–80, ... 356
LXXXV. Writ of Quo Warranto against Massachusetts, by Charles II. of England, June 27–July 7, 1683, . 359
LXXXVI. Deed of Lands on the Androscoggin, by Worumbo and Other Sagamores, July 7–17, 1684, . . 361
LXXXVII. Extracts from Commission for a President and Council for New England, by James II. of England, October 8–18, 1685, ... 366
LXXXVIII. Extracts from Commission to Sir Edmund Andros as Governor of New England, by James II. of England, June 3–13, 1686, ... 369
LXXXIX. Order for Annexation of Pemaquid to New England, by James II. of England, September 19–29, 1686, ... 372
XC. Abstract of the Treaty of London, between James II. of England and Louis XIV. of France, November 16–26, 1686, ... 373
XCI. Treaty of Whitehall, between James II. of England, and Louis XIV. of France, December 1–11, 1687, ... 376
XCII. Extracts from Commission to Sir Edmund Andros as Captain-General and Governor-in-Chief of New England, by James II. of England, April 7–17, 1688, ... 379
XCIII. Grant of Lands at Mt. Desert to Sieur de la Mothe Cadillac, by the Governor and Council of Canada, July 23–August 2, 1688, . . . 382

PREFACE.

THIS compilation of "Documents Relating to the Territorial History of Maine" is the expansion of the results of a year's work under the direction of Professor Hart, in connection with the Seminary of American History and Institutions at Radcliffe College. With the belief that such a collection may prove a valuable aid to students of Maine history the work has been completed in its present form. In order to bring the series into reasonable limits it has been necessary to exclude all grants which led only to discovery or exploration, although England rests her claim to North America on the voyages of the Cabots. The beginning of the seventeenth century, under the patent to De Monts, witnessed the first permanent settlement within the limits investigated in connection with the present work. To bring together in chronological sequence documents that elucidate the leading facts, both in territorial development and the changes of government from 1603 to the present time, is the purpose of this compendium.

In selecting the sources from which these documents have been taken, the method adopted has been to choose what seemed the best available text; in all cases the original, if that has been accessible, otherwise an authentic transcript or reprint.

The head-notes which accompany each document are mainly designed to give a history of the sources as well as their bearing upon Maine history.

A special bibliography is also given in each case. The work of reading and investigation for that particular purpose has been materially lightened by the use of Dr. Justin Winsor's "Narrative and Critical History of America";

Channing and Hart's "Guide to the Study of American History"; and Hon. Joseph Williamson's "Bibliography of Maine."

In the titles of documents the terms charter, patent and grant are employed somewhat interchangeably in accordance with common usage or the reading of the text. No attempt has been made to discern a legal distinction between them.

A double set of dates is used until 1752, when the Julian calendar gave place to the Gregorian in England and Catholic Europe.

The work of compilation could not have been carried forward to completeness without many favors, some of which have already been suggested. The wide range of obligations makes it difficult to enumerate them all. Before all others, grateful thanks are rendered to Professor Hart, whose wise counsel and kindly assistance have guided the work at every stage; to the late Dr. Justin Winsor, librarian of Harvard University, for personal suggestions of great value on sources and authorities; to the Harvard College Library for the generous management which makes all books in the department of American History directly accessible to students of the Historical Seminary; to Mr. Hubbard W. Bryant, librarian of the Maine Historical Society, for access to the Archives; to Dr. Samuel A. Green, librarian of the Massachusetts Historical Society, for the privilege of examining "Colonial Letters and Papers," also for permission to make reprints from publications; to the Boston Athenæum for the privilege of consulting "The Acts of the Parliament of Scotland"; and to Mr. Edmund L. Barton, librarian of the American Antiquarian Society at Worcester, for the opportunity to transcribe a notarial copy of the Pemaquid Patent.

Among other favors, Hon. Joseph Williamson has generously loaned advance sheets of his "Bibliography of

Maine," with other papers of great assistance; Mr. Justin M. Leavitt, register of deeds for York County, courteously explained the condition and history of the "York Deeds," and arranged for the use of MS. volumes; at the Middlesex and Plymouth registries similar favors have also been extended. In the Boston Public Library, where much time has been spent, every opportunity has been given for consulting special libraries, especially the unsurpassed collection of United States Documents; the Massachusetts State Library has also afforded great facilities for studying legislative enactments of Massachusetts and Maine; and much kindness has been shown by the custodians of the Massachusetts Archives, which are so rich in Colonial documents.

A few extracts have been made from publications of the Prince and Gorges Societies, from "New Hampshire Documents," and from private sources; such favors are cordially recognized.

Finally, grateful acknowledgments are due to President Hyde, of Bowdoin College, and Hon. James Phinney Baxter, of Portland, for their kindness in examining manuscripts and valuable suggestions.

Errors and omissions will undoubtedly appear, but the aim of the compiler has been to present an accurate and painstaking study from the sources.

MARY FRANCES FARNHAM.

Pacific University, Forest Grove, Oregon.

INTRODUCTION.

The desire for fuller knowledge of the every-day life of people whom the world has known through their works has created a most interesting department in literature. By means of published letters, youthful ambitions are made known, and the course of circumstances which have shaped eventful lives is traced. In the history of an individual State, documentary sources furnish opportunities to indulge something of the same inclination. Such material, far from being the dry bones of a dead past, becomes by the aid of an intelligent imagination a living personality. The record of beginnings is not only interesting, but is important, when read in the light of events which have developed from seemingly insignificant sources. The history of an industrious and law-abiding State of the present day hardly suggests the varied and stormy past that documentary evidence plainly reveals. By such an agency the progress from a passive submission to usurping authority, to an active resistance in the struggle for individual rights, is clearly set forth. The territorial history of Maine presents many complicated questions, not only from conflicting elements involved in the struggle for supremacy within her boundaries, but also from her frontier position. In the number of eventful crises the record of Maine is hardly surpassed by that of any other State.

The value of a documentary work, which is brought within the limits of an octavo volume, and yet is sufficiently comprehensive to represent important facts in the history of a State, lies in the use that may be made of it by students who cannot have access to large libraries, or original records. The study of special topics is greatly facilitated by illustrative material, which is brought together in a compact form.

When access can be had to a good public library such a handbook by means of bibliographies will serve as a guide to supplementary reading. It is believed that each document included in this compendium has a bearing on the ever-shifting policy of rival powers that dealt with provinces in the ancient limits of Maine like tennis balls given or returned in the game for territory; or it serves to illustrate the development of an independent government and the preservation of State rights.

One of the topics on which many students need information is the Great Council for New England which originated in the Northern, or Plymouth, Company under the first Virginia Charter, of 1606 [II.]. From the issuance of the Great Patent, in 1620, until its surrender in 1635 [VI.–XLV.] there are but few State papers directly relating to Maine that did not emanate from that body. In no other section of New England were so many grants conferred by the Great Council as within the limits of Maine, where from ignorance, or reckless disregard of geography, the Company issued, in quick succession, patents whose overlapping boundaries caused long and bitter controversies. It was remarked with grim humor that "it would require more lawyers to adjust the claims of rival adventurers than there were inhabitants in their whole territory." In the hope that a more intelligent acquaintance will be made, not only with that important Company, but also with the claims of original proprietors of the soil, it is attempted in this compilation to give some record of each grant under the Great Council, so far as it had relation to Maine territory. Where the original document itself, or an authentic transcript, has not been found, a minute to that effect is inserted from the Council records.

During the early Colonial period, not only Massachusetts Bay and New York; the Dutch and the French; Parliament and the King; but Puritanism and Episcopacy, all struggled for precedence within the provinces of Maine and Sagadahoc. After Maine was consolidated with Massachusetts by the Royal Charter of 1691, her internal history was more peaceful, except for Indian wars. The number of documents presented by both English and French commissioners after the Treaty of Aix-la-Chapelle [CV.] is evidence, however, of the involved relations between Maine and Nova Scotia in regard to territorial claims; such sources also indicate that boundary questions were destined to occupy a prominent place in later years. Vague ideas concerning the somewhat synonymous names of Acadia and Nova Scotia increased the difficulties of a settlement. On the west, claims of the neighboring province of New Hampshire gave rise to other boundary commissions which require an inspection of the Gorges and Mason charters.

The importance of public lands as an economic factor in the personal concerns of both Maine and Massachusetts is a subject which legislative documents exemplify. The "Massachusetts School Fund" still derives a portion of its income from the sale of public lands in Maine. School and ministerial funds were invariably provided for in grants by the Commonwealth to settlers. The usual arrangements were similar to those secured for such a purpose in the Bingham Deeds [CXV.]. One of these documents is inserted because it elucidates the principles by which townships were laid out in Maine; it also explains the origin of the two extensive areas known as Bingham's Purchases. The various reports of Commissioners, appointed under the Act of Separation to divide "in equal moities" the public lands belonging to the two States, are included for the benefit of those who wish to trace the history of townships [CXXXIII.–CXL.].

Certain public transactions suggest that eighteenth century legislation was not always in the line of the highest ideals of civic virtue, and indicate a change for the better in ethical standards. In 1786, a gigantic land lottery was arranged by the Commonwealth of Massachusetts, for bringing money into the State treasury [CXII.]. Such questionable methods of raising funds to carry on public works, or to endow institutions, the nineteenth century has stricken from the statute books.

The study of civil government now occupies an important place in the curriculum of even a secondary school, and the formation of Good Citizenship clubs in many towns makes it desirable that opportunities should be afforded for the study of State papers. To a student in the history of American institutions all the steps in the formation of a sovereign State are no less interesting than important; much space is therefore devoted to the various proceedings by which Maine arose from the rank of "District" to that of a separate and independent State. The documents connected with the Act of Separation alone are numerous, and relate not only to property, real and personal, but also to provisions for the two Indian tribes which are still wards of the State. As late as 1837 it was necessary to secure the consent of Massachusetts in order that the Act of Separation could be so modified that greater freedom would be secured in the control of ministerial and school funds.

Interdependence of the two States is again exhibited during the Northeastern Boundary controversy. Personal interest on the part of Massachusetts in the disputed territory was hardly of less moment than that of Maine, and on those grounds the cooperation of Massachusetts was solicited by the Twelfth Legislature of the State of Maine [CXLVII]. As an independent State the policy of Maine in settling public lands, and opening up the resources of the country, is suggested by two interesting enactments [CLX., CLXI.], which relate respectively to the construction of a great railway system, and the founding of the colony of New Sweden, in 1871.

A documentary work affords an excellent opportunity for the study of diplomacy. During several centuries there was hardly a negotiation between England and European powers but had an influence, direct or reflex, on Maine history. In the clearer light presented by State papers diplomacy often appears as little else than intrigue, which the solemn introductions and formal conclusions of treaties but thinly disguise. Designations like "their High Mightinesses," "the most Christian King," and "the Lord Protector of the Republic of England," are only surpassed by "James, by the Grace of God, King of England, Scotland, *France* and Ireland, Defender of the Faith," etc. As late as the Treaty of Paris, in 1783 [CX.], the long-extinguished claim to France was preserved in the official title of English sovereigns no less punctiliously than "Defender of the Faith" — a privilege maintained alike by Protestants and Papists.

Personal inspection of old documents is of itself an excellent object lesson in ancient usages. Several patents which were issued by the Great Council are now in the possession of the Maine Historical Society, and the First Plymouth Patent [VII.], as well as the New Plymouth, or "Warwick Patent" [XXI.], are readily accessible at Plymouth. The signatures and seals of Robert Warwick, the Puritan, and of the redoubtable Sir Ferdinando Gorges, make those personages more real. To see an ancient deed [LXVII.], with the outline across the top so "indented" that the fitting of it to its counterpart would establish its validity, is a sufficient commentary on the original signification of the term "indenture." Comparison of state or official documents, written by clerks in concise and even hand, with private letters from gentlemen of rank is convincing proof that many great men, like Hamlet, "once did hold it, as our statists do, a baseness to write fair."

If such sources are not available, the textual study of good secondary material has an educational value. Philology is enriched by a comparison of early texts with modern usage. The Great Patent of New England abounds in opportunities for word study. The meaning of "comfort" as a derivative from *fortis* is obvious from the context, "that it shall be lawful and free for all Princes to persecute with Hostility the said Offenders and every of their Procurers, Aiders Abettors and Comforters in that Behalfe"; "undertaker" is removed from the grim significance of our own times; an "adventurer" was not of necessity the reckless personage these later years consider him, while a "planter" was not an agriculturist, but the promoter or founder of Colonial enterprise. The condition of the English language in the seventeenth century is still further illustrated by ancient spelling with peculiar abbreviations and accent marks, as well as by methods of punctuation and capitalization which have grown obsolete. Apparent anachronisms are seen in the texts of royal charters to Sir William Alexander [IX., XIV., XVI.], which are contemporaneous with grants by the Great Council; the difference is explained by the fact that the less archaic form is a nineteenth-century translation of the original Latin text. The English text of the Patent of Acadia [I.] is, however, an illustration of a seventeenth-century rendering of the original French.

According to the somewhat liberal franchise of the Great Patent the tenure of early territorial rights was that of "soccage," or the plough [socca], which, for personal security was preferable to "knight's service," otherwise designated a *per gladium comitatus*, or *sub capite*. Charles Kingsley in "Hereward, the Last of the English," and Conan Doyle in "The White Company," have revived "soccage" and "socman" from early times. Not only illustrations of feudal tenure, but methods of conveyance, are better understood by aid of grants and records Possession by "seisin," or "turf and twig" [XIV., XXXV., LXXXVI.] was the customary mode of legal transfer of property. A notable instance of the unique ceremonial was the "livery" by Worumbo at the Sagadahoc, which was performed with all due regard to ancient custom. Range of geographical knowledge is indicated in numerous grants that confer territory from "sea to sea," and by the so-called charter of Canada which "disponed" to Sir William Alexander "all and sundry islands, lying within the said river Canada, from the said mouth and entrance, up to the head, fountain and source thereof, whersoever it be, or the lake whence it flows (which is thought to be towards the gulf of California, called the Vermilion sea), or within any other rivers," etc. . . . "and likewise all and sundry islands lying within the said Gulf of California; as also and whole the lands and bounds adjacent to the said Gulf on the west and south, whether they be found a part of the continent or main land, or an island (as it is thought they are) which is commonly known and distinguished by the name of California." The name of "Province of Maine" is first used in the grant to Gorges and Mason, 1622 [XI.]; its origin is not difficult to trace in the frequent use of maine as applied to "maine land," and "along the main."

Individual character is often revealed by a study of the sources. Documentary evidence alone shows that both in politics and religion Sir Charles La Tour was a trimmer between England on the one hand and France on the other [XLVIII., LVI., LIX., LXIII.], while Colonel Temple was uniformly loyal and so sincere that he was known as "honest Tom Temple." Such an estimate of these two commanders in Nova Scotia is corroborated by the "Calendar of State Papers."

By all these means the true local color of England and America in the seventeenth century is perceived; and through the atmosphere in which the makers of New England lived, Colonial history is studied in its true proportions. Reading between the lines, thoughts and purposes of that age of social, political and religious unrest are better understood, and it is easier to be tolerant of religious zeal so strangely tempered with a worldly prudence that the very document which sets forth the lofty design to convert the savages, makes hardly less apparent their hope of gain [II.]; or with the "perusal" of the Massachusetts Charter [XVII.], which led to the incorporation of Maine into Massachusetts.

Although the student, even in a Historical Seminary, cannot well have access directly to official documents now stored in that vast treasury of State papers, the new Record Office in London, or in the Depôt de la Marine et Colonies in Paris, much valuable material has been carefully transcribed for Historical Societies, or published in Collections of State Documents. The work of such skilful copyists as Brodhead and Sainsbury, Pulsifer and Shurtleff, is hardly less authentic than the original, and more reliable than the copy of an amateur from archaic MSS. To transcribe the seventeenth century chirography requires faithful apprenticeship and the habit of disciplined attention.

Within reach of any student in the provincial history of Maine there are deposited within the State Archives all transactions relating to the separation of Maine from Massachusetts, also copies of all transactions of the Land Office, and a transcript of the early records which were kept at York. Under the guardianship of the Maine Historical Society are rare papers which include carefully indexed volumes of MS. records of the Pejepscot and Kennebec Proprietors, the Gardiner and the Trelawny Papers; a series of certificated documents in support of the Mason claims; and papers used by Thomas Barclay, commissioner under the treaty of Ghent, besides a mass of correspondence and valuable individual papers.

The history of the York Records is of especial interest. No trace has been found of the Commission to Sir Ferdinando Gorges, but the records of his brief administration are the oldest that relate to any organized government in Maine. Those early records were made up of judicial, legislative and other transactions; a separate registry of deeds was begun in 1643. The Lease of Lands at Casco Bay [L.] was one of the earliest conveyances recorded by Roger Garde, the register of deeds, who also filled various offices in the province of Maine, at one time being the mayor of Agamenticus [York].

From the time when the province first came under the jurisdiction of Massachusetts until 1760, Yorkshire embraced the whole territory of Maine, and was the only place of registration. The "York Deeds" contain not only records of private conveyance, but grantees under the Great Council registered their "indentures" there to insure valid recognition of their claims. Muscongus Grant [XXIV.] and the Covenant of Madokawando with Governor Phips [XCVI.], were recorded together in 1721/2, and the Pemaquid Patent [XXXIV.] was not recorded until 1737, when rival claims under both the Patent and the Brown Deed [XV.] were first contested. Registry of certain deeds of the territory in dispute, both at Suffolk and at Middlesex, show how active a conflict was aroused by the Drowne claimants at Pemaquid.

Early records at York were kept on quires of paper which were stitched together, but were unbound; in 1731, the first volume had become so defaced that a transcript was made by the register, Joseph Moody, but the tattered original is still preserved, and with it a quaint index still tied as in olden time with a strip of cloth. The other volumes are in excellent condition, and are open for consultation; eleven volumes, as well as a volume of "Maine Wills," have been published under the direction of the Maine Historical Society, assisted by the State.

For years all the public records were deposited in the ell of a wooden house at York. Once during the Indian wars they were transferred to Massachusetts for safe keeping. In 1816, when the county seat was removed from York to Alfred, all the records were deposited in the fire-proof rooms provided for them. The special providence which has followed important manuscripts during so many defenseless years, when private malice or public intrigue often defeated rightful claims, which only recent discoveries have vindicated, proves that there are documentary romances quite as thrilling as those of individual lives. The finding of the long-lost Trelawny Patent [XXX.] and the royal charter of New Hampshire are sufficient proofs of the fitness of such a parallel.

The object of this introductory sketch on the value of work from the sources, is to demonstrate that such a method of study is not only quite as interesting as from a detailed narration, but is more of an intellectual incentive. Personal investigation teaches far more than appears on the surface; by such methods intelligent judgment in weighing evidence is acquired, imagination is awakened, and the mind is stimulated to explore new fields of research.

DOCUMENTS RELATING

TO THE

Territorial History of Maine.

I.

EXTRACTS FROM THE PATENT OF ACADIA TO DE MONTS BY HENRY IV. OF FRANCE.

NOVEMBER 8/18, 1603.

Sources.

The patent of Acadia granted by Henry IV. of France to De Monts, November 8/18, 1603, included all lands lying between the fortieth and the forty-sixth degrees of latitude. Under this commission the French established their first valid claims to lands within, or bordering upon, the State of Maine.

The original patent, or a contemporary copy, is in the Bureau des Marines et Colonies in Paris. It was printed by Marc Lescarbot, "Histoire de la Nouvelle France" (Paris, 1612), 433-439; and by the same author, "Nouvelle Edition" (Paris, 1618); also by Edwin Tross, *editeur*, a reprint of the first edition (Paris, 1866), II. 408-411. A transcript from Lescarbot is in the Massachusetts Archives under the rubric "Historical Documents, Collected in France for the Commonwealth," I. 443-445. Ben: Perley Poore, editor.

The patent has been many times printed from Lescarbot; by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I. 45-48; Mémoires des Commissaires du Roi et ceux de sa Majesté Britannique, sur les possessions et les droits respectifs des deux Couronnes en Amerique" (Paris, 1755), II. 441-445; and extracts are in Thomas C. Haliburton, "An Historical and Statistical Account of Nova Scotia" (Halifax, 1829), I. Appendix 2, 203.

An abstract of the first English translation is in Samuel Purchas, "His Pilgrimes" (London, 1625), IV. 1619-20; another translation is in William D. Williamson, "The History of the State of Maine" (Hallowell, 1832), I. Appendix I. 651-654; also in William White, "A History of Belfast, with Introductory Remarks on Acadia" (Belfast, 1827), Appendix I. 89-97.

Both the French and the contemporary English translations in British State Papers, Colonial Series, 1574-1621, Vol. I. No. 10, are in Charles W. Baird, "The Huguenot Emigration to America" (New York, 1885), I. 341-347, which is the text adopted for these extracts from the patent of Acadia.

Text.

Henery by the grace of God Kinge of ffrance and Navarre. To our deare and welbeloved the Lord of Monts, one of the Ordinary Gentlemen of our Chamber, greetinge. As our greatest care and labour is, and hath alwaies beene, since our cominge to this Crowne, to maintaine and conserue it in the anntient dignity, greatnes and splendour thereof, to extend and amplifie, as much as lawfully may bee done, the bounds and limitts of the same. Wee beinge of a long time informed of the situaçon and condiçon of the lands and territories of La Cadia, moved above all thinges with a singuler zeale, and devout and constant resoluçon w^{ch} wee have taken with the helpe and assistance of God Authour Distributour and Protectour of all Kingdomes and estates to cause the people w^{ch} doe inhabite the countrey, men at this pñte time barbarous, Atheists without faith or religion, to be conuerted to Christianity, and to the beliefe and profession of our faith and religion, and to drawe them from the ignorance and vnbeliefe wherein they are, havinge also of a longe time knowen by the relaçon of the Sea Captaines, Pylotts, Merchants and others, who of longe time have haunted, frequented, and trafficked with the people that are found in the said places, how fruitfull, commodious, and profitable may bee with vs, to our estates and subiects, the dwellinge possession and habitaçon of those countries, for the great and apparant profit w^ch^ may bee drawen by the greater frequentaçon and habitude w^ch^ may be had with the people that are found there, and the Trafficke and commerce w^ch^ may bee, by that means safely treated and negotiated. Wee then for these causes fully trustinge on your great wisedome, and in the knowledge and experience that you have of the qualitie, condiçon and situaçon of the said countrie of La Cadia: for the divers and sundry navigaçons, voyages, and frequentaçons that you have made into those parts and others neere and borderinge vpon it. Assuringe our selues that this our resoluçon and intention, beinge committed vnto you, you will attentively, diligently, and no less couragiously and valorously execute and bring to such perfeccon as wee desire: Have expressly appointed and established you, and by these presents signed with our owne hands, doe committ, ordaine, make, constitute and establish you, our Lievtenant generall, for to represent our person in the countries, territories, coasts, and confines of La Cadia. To begin from the 40 degree to the 46. And in the same distance, or part of it, as farre as may bee done, to establish, extend, and make to bee knowen our name, might and authoritie. And vnder the same to subiect, submitt and bringe to obedience all the people of the said land and the borderers thereof: And by the meanes thereof and all lawfull waies, to call, make, instruct, provoke and incite them to the knowledge of god, and to the light of the faith and Christian religion, to establish it there: And in the exercise and profession of the same, keepe and conserue the said people, and all other inhabitants in the said places, and there to commaund in peace, rest and tranquillity as well by sea, as by land: to ordaine, decide and cause to be executed all that w^{ch} you shall iudge fitt and necessary to bee done, for to maintaine, keepe and conserue the said places vnder our power & authority by the formes, waies and meanes prescribed by our lawes. And for to have there a care of the same with you to appoint, establish and constitute all Officers, as well in the affaires of warre, as for Justice and policie, for the first time, and from thence forward to name and present them vnto vs, for to bee disposed by vs, and to give lres, titles, and such provisoes, as shalbee necessarie. And accordinge to the occurrences of affaires your selfe with the aduice of wise, and capable men, to prescribe vnder our good pleasure, lawes, statutes, and ordinances conformable, asmuch as may be possible, vnto ours, specially in thinges and matters that are not provided by them. To treate and contract to the same effect, peace, alliance, and confederacy, good amity correspondency, and communicaçon with the said people and their princes, or others, havinge power or commaund over them: To entertaine, keepe and carefully to obserue, the treatises, and alliances wherein you shall covenant with them; upon condiçon that they themselves performe the same of their part. And for wont thereof to make open warre against them, to constraine and bring them to such reason as you shall think needfull, for the honour, obedience and service of god, and establishment, maintenance and conseruaçon of our said authoritie amongst them: at least to haunt and frequent by you, and all our subiects with them, in all assurance, libertie, frequentaçon, and communicaçon there to negoçiate and trafficke lovingly and peaceably. To give and graunt vnto them fovours, and priviledges, charges and honours, w^{ch} intire power abovesaid, we will likewise and ordaine, that you have over all our said subiects that will goe in that voyage with you and inhabite there, trafficke, negoçiate and remaine in the said places, to retaine, take, reserue, and appropriate vnto you, what you will and shall see to bee most commodious for you, and proper for your charge, qualitie and vse of the said lands, to distribute such parts and porçons thereof, to give and attribute vnto them such titles, honors, rights, powers and faculties as you shall see necessary, accordinge to the qualities, condiçons and meritts of the persons of the same Countrie or others. Chiefly to populate, to manure, and to make the said lands to be inhabited as spedily, carefully, and skillfully, as time, places and commodities may permitt: To make thereof, or cause to be made to that end, discoverie and view alonge the maritime Coasts and other Countries of the maine land, w^{ch} you shall order and prescribe in the foresaid space *of the 40 degree to the 46 degree or otherwise*, asmuch and as farre as maybee alonge the said Coast, and in the firme land. To make carefully to be sovght and marked all sorts of mines of gold and siluer, copper, and other Metalls and Mineralls, to make them to be digged, drawne from the earth, purified, and refined for to bee conuerted into vse, to dispose accordinge as wee have prescribed by Edicts and orders, w^{ch} wee have made in this Realme of the profitt and benefitt of them, by you or them by whom you shall establish to that effect, reseruinge vnto vs only the tenth peny, of that w^{ch} shall issue from them of gold, silver and copper, leavinge vnto you that w^{ch} wee might take of the other said Metalls and Mineralls, for to aide and ease you in the great expenses that the foresaid charge may bringe vnto you; . . . . And to the end no body may pretend cause of ignorance, of this our intention, and to busie himself in all, or in parte of the charge, dignitie, and authoritie w^{ch} wee give vnto you by these presents: We have of our certain knowledge, full power, and regall authoritie, revoked, suppressed and declared voide, and of none effect hereafter and from the present and all other powers and Comissions, ltres and expediçons given and delivered to any person soeuer, for to discover, people and inhabite in the aforesaid extension of the said lands scituated from the said 40 degree to the 46, whatsoever they bee. And furthermore wee command and ordaine all our said officers of what qualitie and condiçon soever they bee, that after these pnts or the duplicate of them shallbee duely examined by one of our beloved and trustie Counsellors, Notaries, and Secretaries, or other Notarie Royall, they doe vpon our request, demaund, and sute, or vpon the sute of any our Atturneys, cause the same to be read, published, and recorded in the records of their iurisdicçons, powers, and precincts, seekinge, as m[u]ch as shall apperteine vnto them, to quiet and appease all troubles and hinderance w^{ch} may contradict the same. ffor such is our pleasure. Given at ffountain-bleau the 8 day of November: in the yeare of our Lord 1603: And of our Raigne the 15. signed Henery: and vnderneath, by the Kinge, Potier; And sealed upon single labell with yellow waxe.

II.

EXTRACTS FROM THE FIRST CHARTER OF VIRGINIA BY JAMES I. OF ENGLAND.

April 10/20, 1606.

Sources.

By the First Charter of Virginia, given by James I., April 10/20, 1606, provision was made for two distinct companies with separate powers and government. The second, or Northern Company, established English territorial rights to the region bordering on the Gulf of Maine.

An extract from the charter was first printed by Samuel Purchas, "His Pilgrimes" (London, 1625), IV. 1683-84. It was first printed entire by William Stith, "History of Virginia" (Williamsburg, 1747), 1-8. As Stith had access to the records of the Virginia Company his transcript was undoubtedly from the original document. Extracts both in English and French from the original are in "Mémoires des Commissaires du Roi et ceux de sa Majesté Britannique" (Paris, 1755), II. 185-192; also in "Memorials of the English and French Commissaries Concerning the Limits of Nova Scotia or Acadia" (London, 1755), I. 545-552. The charter is also found in John Almon, "The Charters of the British Colonies in America" (London, 1775), 67-75; Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadephia, 1792), I. 51-58; Ben: Perley Poore, "The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the United States" (Washington, 1877), 1888-93; John Alfred Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (New York, 1862), Appendix A, 93-97; Howard W. Preston, "Documents Illustrative of American History with Introduction and References, 1606-1863" (New York, 1886), 2-13; and Alexander Brown, "The Genesis of the United States" (Boston and New York, 1890), I. 52-63. The text adopted is from Stith's transcript.

Text.

I. JAMES, by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defenders of the Faith, *&c.* WHEREAS our loving and well-disposed Subjects, Sir *Thomas Gates*, and Sir *George Somers*, Knights, *Richard Hackluit*, Clerk, Prebendary of *Westminster*, and *Edward-Maria Wingfield*, *Thomas Hanham*, and *Raleigh Gilbert*, Esqrs. *William Parker*, and *George Popham*, Gentleman, and divers others of our loving Subjects, have been humble suiters unto us, that we would vouchsafe unto them our Licence, to make Habitation, Plantation, and to deduce a Colony of sundry of our People into that Part of *America*, commonly called VIRGINIA, and other Parts and Territories in *America*, either appertaining unto us, or which are not now actually possessed by any *Christian* Prince or People, situate, lying, and being all along the Sea *Coasts*, between four and thirty Degrees of *Northerly* Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the *Islands* thereunto adjacent, or within one hundred Miles of the Coast thereof;

II. And to that end, and for the more speedy Accomplishment of the said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; the one consisting of certain Knights, Gentlemen, Merchants and other Adventurers, of our City of *London*, and elsewhere, which are, and from time to time, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, alongst the Coasts of *Virginia* and Coasts of *America* aforesaid; And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of *Bristol* and *Exeter*, and of our Town of *Plimouth*, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all alongst the said Coast of *Virginia* and *America*, as that Coast lyeth:

III. We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of *Christian* Religion to such People, as yet live in Darkness and miserable Ignorance of the true Knowledge and

Worship of God, and may in time bring the Infidels and Savages, living in those Parts, to human Civility, and to a settled and quiet Government; DO, by these our Letters Patents, graciously accept of, and agree to, their humble and well intended Desires:

IV. AND do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, Adventurers of and for our City of *London*, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the *first Colony;* And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of *Virginia* or *America*, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of *English* Statute Measure, all along the said Coast of *Virginia* and *America*, towards the *West* and *Southwest*, as the Coast lyeth, with all the Islands within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the space of fifty like *English* Miles, all alongst the said Coast of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the *North*, as the Coast lyeth, together with all the Islands within one hundred Miles, directly over against the said Sea Coast; and also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land by the space of one hundred like *English* Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better Safeguard and Defence, according to their best Discretion, and the Discretion of the Council of that Colony; and that no other of our *Subjects* shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express Licence or Consent of the Council of that Colony, thereunto in Writing first had and obtained.

V. AND we do likewise, for Us our Heirs, and Successors, by these Presents, GRANT and agree, that the said *Thomas Hanham*, and *Raleigh Gilbert*, *William Parker*, and *George Popham*, and all others of the Town of *Plimouth*, in the County of *Devon*, or elsewhere, which are or shall be, joined unto them of that Colony, shall be called the *second Colony;* and that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of *Virginia* and *America*, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the first Seat of their Plantation and Habitation, by the space of fifty like *English* Miles, as is aforesaid all alongst the said Coast of *Virginia* and *America*, towards the *West* and *Southwest*, or towards the *South*, as the Coast lyeth, and all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like Miles, all alongst the Said Coast of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the *North*, as the Coast lyeth, and all the Islands also within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the space of one hundred like *English* Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Back of them, towards the main Land, without the express Licence of the Council of that Colony, in writing thereunto first had and obtained.

VI. PROVIDED always, and our will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like *English* Miles of the other of them, that first began to make their Plantation, as aforesaid.

. . . .

And moreover, we do Grant and agree, for Us, our Heirs and Successors; that the said several Councils of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Successors, give and take Order, to dig mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their said several Colonies, as of the said main Lands on the Backside of the same Colonies; And to HAVE and enjoy the Gold, Silver and Copper, to be gotten thereof, to the Use and Behoof of the same Colonies, and the Plantations thereof; YIELDING therefore to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, to be gotten or had, as is aforesaid, without any other Manner of Profit or Account, to be given or yielded to Us, our Heirs, or Successors, for or in Respect of the same.

And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the people of those several Colonies, for the mere Use and Traffick and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

. . . .

III.

GRANT OF EXCLUSIVE TRADE TO NEW NETHERLAND BY THE STATES GENERAL OF THE UNITED NETHERLANDS.

OCTOBER 11/21, 1614.

Sources.

The Grant of Exclusive Trade to New Netherland, October 11/21, 1614, by the States General of the United Netherlands is found in E. B. O'Callaghan, editor, "Documents Relating to the Colonial History of the State of New York" (Albany, 1853-87), I. 11, 12, among papers collected by John Romeyn Brodhead from the Royal Archives at The Hague and translated by Dr. O'Callaghan. The source used by Mr. Brodhead is the minute on a half-sheet of paper, "File, Loopende." A duplicate document from the "Act Book of the States General" is also in the Royal Archives.

An extract is given by Albert Bushnell Hart and Edward Channing, "American History Leaflets," No. 16; also in "Report of the Regents of the University on the Boundaries of the State of New York" (Albany, 1874), 5, 6.

The limits assigned to the company of traders extended to the forty-fifth degree of latitude, which crosses the State of Maine from Passamaquoddy Bay westwards to a point above the Rangeley Lakes.

Earlier Resolutions from "Their High Mightinesses" "granting and allowing that the Petitioners alone have the right to resort to, or cause to be frequented the aforesaid newly discovered countries situate in America between New France and Virginia" with "Figurative Maps" are found in both the above named collections.

Text.

The States General of the United Netherlands to all to whom these presents shall come, Greeting, Whereas Gerrit Jacobz Witssen, antient Burgomaster of the City Amsterdam, Jonas Witssen, Simon Morrissen, owners of the Ship named the Little Fox whereof Jan de With has been Skipper; Hans Hongers, Paulus Pelgrom, Lambrecht van Tweenhuyzen, owners of the two ships named the Tiger and the Fortune, whereof Aedriaen Block and Henrick Corstiaenssen were Skippers; Arnolt van Lybergen, Wessel Schenck, Hans Claessen, and Berent Sweertssen, owners of the Ship named the Nightingale, whereof Thys Volckertssen was Skipper, Merchants of the aforesaid City Amsterdam, and Pieter Clementssen Bronwer, Jan Clementssen Kies, and Cornelis Volckertssen, Merchants of the City of Hoorn, owners of the Ship named the Fortuyn, whereof Cornelis Jacobssen May was Skipper, all now associated in one Company, have respectfully represented to us, that they, the petitioners, after great expenses and damages by loss of ships and other dangers, had, during the present year, discovered and found with the above named five ships, certain New Lands situate in America, between New France and Virginia, the Sea coast whereof lie between forty and forty five degrees of Latitude, and now called New Netherland: And whereas We did, in the month of March last, for the promotion and increase of Commerce, cause to be published a certain General Consent and Charter setting forth, that whosoever should thereafter discover new havens, lands, places or passages, might frequent or cause to be frequented, for four voyages, such newly discovered and found places, passages, havens or lands, to the exclusion of all others from visiting or frequenting the same from the United Netherlands, until the said first discoverers and finders shall, themselves, have completed the said four Voyages, or cause the same to be done within the time prescribed for that purpose, under the penalties expressed in the said Octroy, &c. they request that we would accord to them due Act of the aforesaid Octroy in the usual form:

Which, being considered, We, therefore, in our Assembly having heard the pertinent Report of the Petitioners, relative to the discoveries and finding of the said new Countries between the above named limits and degrees, and also of their adventures, have consented and granted, and by these presents do consent and grant, to the said Petitioners now united into one Company, that they shall be privileged exclusively to frequent or cause to be visited, the above newly discovered lands, situate in America between New France and Virginia, whereof the Sea coasts lie between the fortieth and forty fifth degrees of Latitude, now named New Netherland, as can be seen by a Figurative Map hereunto annexed, and that for four Voyages within the term of three Years, commencing the first of January, Sixteen hundred and fifteen next ensuing, or sooner, without it being permitted to any other person from the United Netherlands, to sail to, navigate or frequent the said newly discovered lands, havens or places, either directly or indirectly, within the said three Years, on pain of Confiscation of the vessel and Cargo wherewith infraction hereof shall be attempted, and a fine of Fifty thousand Netherland Ducats for the benefit of said discoverers or finders; provided nevertheless, that by these presents We do not intend to prejudice or diminish any of our former grants or charters; And it is also Our intention, that if any disputes or differences arise from these Our Concessions, they shall be decided by Ourselves.

We therefore expressly command all Governors, Justices, Officers, Magistrates and inhabitants of the aforesaid United Countries, that they allow the said Company peaceably and quietly to enjoy the whole benefit of this Our Grant and consent, ceasing all contradictions and obstacles to the contrary. For such we have found to appertain to the public service. Given under Our Seal, paraple and signature of our Secretary at the Hague the XIth of October 1614.

IV.

PETITION FOR A CHARTER OF NEW ENGLAND BY THE NORTHERN COMPANY OF ADVENTURERS.

MARCH 3/13, 1619/20.

Sources.

The petition to James I. by the Northern Company of "Adventurers for settling Colonies in Virginia" for a charter of "New England" is preserved among the "Trade

Papers" now lodged in the Public Record Office, Fetter Lane, London.

The text adopted is Brodhead's certified transcript from the original for Edmund Bailey O'Callaghan, editor, "Documents Relating to the Colonial History of the State of New York" (Albany, 1853-87), III. 2-4. The petition has also been published by John Alfred Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (New York, 1862), Appendix D, 108, 109.

Text.

To the Kinges most Excellent Majestie.

The most humble peticōn of yo^{r} Ma^{ties} counsell for the second colonie, and other the adventurers in the Western partes of England for the plantacōn in the North Partes of Virginia in America

Maye it please yo^{r} most Excellent Majestie,

Whereas it pleased yo^{r} Ma^{tie} by yo^{r} most gratious L^{res} patentes bearing date the   of Aprill in the fowerth yeare of yo^{r} Mat^{ies} most blessed raigne to give lycence for the establishinge of two Colonies in Virginie in America, the one called the First Colonie undertaken by certaine noble men knightes and merchants about London; the other caled the Second Colonie likewise undertaken by certaine knightes and merchants of the western partes; by vertue whereof some of the western partes hath at their great charg and extreme hazard continewed to endeavour to descov^{r} a place fitt to entertaine such a designe, as also to find the meanes to bring to passe soe noble a worke: in the constant pursuite whereof it hath pleased God to ayde them wth his blessing soe far as, in the confidence of the continewance of His Grace, they are resolved to pursue the same with all the power and meanes they are able to make, to His glorie, yo^{r} ma^{ties} honour and the publique good of the countrye.

And as it pleased yo^{r} ma^{tie} to be gratious to those of the first colonie in enlarginge of the first patent two seav^{r}all times with many privileges & immunities according to yo^{r} princely bountye, whereby they have bin incouraged in their proceedinges: Yo^{r} Peticōners doe in all humillitie desire that yo^{r} Ma^{tie} will voutchsafe unto them the like, that they maye wth more boldnes goe on as they have begun, to the satisfaction of yo^{r} Ma^{ties} most religious expectacōn, wth the alteracōn onely of some few things & the additions here insueing.

First, that the territories where yo^{r} peticōners makes their plantacōn may be caled (as by the Prince His Highnes it hath bin named) New England, that the boundes thereof may be setled from 40 to 45 degrees of Northerly latitude & soe from sea to sea through the maine as the coast lyeth, & that yo^{r} Ma^{ts} counsell residing here in England for that plantacōn may consist of a President, Vicpresident, Treasurer, Secretary & other their associates, to be chosen out of the noble men & knights adventurers home about London, & others the adventurers both knightes gentlemen and merchants in the western countryes: Soe as the said counsell doe not exceede the number of 40, who as one incorporate bodye maye as often as neede requires be assembled when and where the P'sident or Vicp'sident, wth the Treasurer and Secretary or any two of them, to be assisted wth five or three others of the counsell shall think most convenient for that service; wherby yo^{r} ma^{ts} most humble peticōners doth verily hope, by Gods holy assistance to settle their plantacōn to the imployeing of many of yo^{r} Ma^{ts} Subjects and the content of all that are well disposed to the prosperitie of yo^{r} Ma^{ts} most happie raigne.

And soe yo^{r} Ma^{ts} most humble peticōners shalbe bownd (as in duty they are) to pray for all increase of glory & perpetuall happiness to yo^{r} Ma^{tie} blessed posteritie for ever.

March 3, 1619. Upon readeinge of this peticōn, their Llps. did order that the Lo. Duke of Lenox, Lo. Steward of his Ma^{ts} Household, and the Earle of Arundell shall take notice of the peticōn, consider of the demands for priviledges, and thereupon certefie their opinions to their Llps. that such further order may be taken as shalbe meete.

(Signed)
C. Edmonds.

V.

WARRANT FOR THE PATENT OF NEW ENGLAND BY JAMES I. OF ENGLAND.

$\genfrac{}{}{0pt}{}{\text{July}}{\text{August}}\,\genfrac{}{}{0pt}{}{23}{2}$ 1620.

Sources.

For the warrant by James I., $\genfrac{}{}{0pt}{}{\text{July}}{\text{August}}\,\genfrac{}{}{0pt}{}{23}{2}$ 1620, to prepare a patent for the Northern Company of Virginia, a judicial copy is, according to Brodhead, in Council Register, Jac. I. R. 1618-20, IV. 576, now in the Public Record Office, London.

The warrant was first printed by Sir Ferdinando Gorges, "A Briefe Narration" (London, 1658), 21, from which source it was reprinted by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I. 99, and by John Alfred Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (New York, 1862), Appendix D, 109.

The text adopted is Brodhead's transcript from the judicial copy printed in Edmund Bailey O'Callaghan, editor, "Documents Relating to the Colonial History of New York, procured in Holland, England, and France" (Albany 1853-87), III. 2-4.

Text.

At Whitehall the 23 July 1620 Present.—

Lo. Chancellor
Lo. Privy Seale
E. of Arundell
E. of Southampton
Lo. B^{p} of Winton
Lo. Digby
M^{r} Comptroler
M^{r} Sec^{y} Naunton
M^{r} Sec^{y} Calvert
M^{r} of the Roles
M^{r} of the Wardes.

A Let^{r} to Sir Thomas Coventrie, Knight, his majes Solicitor General.

Whereas it is thought fitt that a Patent of Incorporation be granted to the Adventurers of the Northern collonye in Virginia to containe the like liberties priviledges, power, authorities, Landes, and all other thinges within their lymitts viz^{t} betweene the degrees of 40 and 48 as were heretofore granted to the companie of Virginia, Excepting only that whereas the said companie have a freedom of custome and subsidie for XXI yeare, and of impositions for ever, this new companie is to be free of custome and subsidie for the like term of yeares, and of Impositions for so long tyme as his ma^{tie} shall be pleased to grant unto them.

These shal be theretofore to will and require you to prepare a Patent readie for his Ma^{ies} royall signature, to the purpose aforesaid, leavinge a blanke for the tyme of freedom from Impositions to be supplied and put in by his Ma^{tie} and for which this shall be your Warrant. Dated, &c.

VI.

GREAT PATENT OF NEW ENGLAND BY JAMES I. OF ENGLAND.

November 3/13, 1620.

Sources.

The Great Patent of New England was issued by James I. of England to the "Council established at Plymouth in the County of Devon, for the planting, ruling, ordering and governing of New England in America." By this grant the Northern, or Plymouth Company, was placed on an equal footing with the Virginia Company which had been reincorporated in 1609, and, with enlarged boundaries in 1612. The privileges of the Northern Company under the new patent were of a liberal kind, with a tenure "in free and common soccage, and not in capite, nor by knight's service." Not only were so many of the grants issued by the Great Council for New England modeled after the provisions of the patent of 1620, but many land titles in Maine were derived from that source. It is printed entire in this compendium. The name of New England which was officially given to the country by the patent was first applied by Captain John Smith in "A Description of a Voyage into New England" (London, 1616).

The grantor's copy is in the Public Record Office, Fetter Lane, London; it is simply an unattested copy of the words of the patent. The earliest published text, which is the source adopted for this reprint, is that of Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I. 103-118. Benjamin Trumbull, "Complete History of Connecticut" (New Haven, 1818), I. Appendix XXVI, 546-567, gives an authentic copy of the patent, which he says was "never before published in America," although Hazard had already printed it from the grantor's copy then in the "Chapel of the Rolls."

The document was also printed from the same source by John A. Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (New York, 1862); and by Francis Baylies, "An Historical Memoir of the Colony of New Plymouth" (Boston, 1866), I. 160-185; again by William T. Davis, "A History of the Town of Plymouth, with a Sketch of the Origin and Growth of Separatism" (Philadelphia, 1885), Appendix V. 137-145. It is also in Ben: Perley Poore, "The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the United States" (Washington, 1877), 922-931.

Text.

Sexta decima Pars Paten *de Anno Regni* Jacobi, *Angliae &c. Decimo Octavo.*

D. Con. Ludovico *Duci* Lenox, *et al.* *Consiliar de Plymouth*, *Con new Colon de* Newe-England, *sibi et Successorib.* JAMES by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. to all whom these Presents shall come, *Greeting*, whereas, upon the humble Petition of divers of our well disposed Subjects, that intended to make several Plantations in the Parts of *America*, between the Degrees of thirty-ffoure and ffourty-five; We according to our princely Inclination, favouring much their worthy Disposition, in Hope thereby to advance the in Largement of Christian Religion, to the Glory of God Almighty, as also by that Means to streatch out the Bounds of our Dominions, and to replenish those Deserts with People governed by Lawes and Magistrates, for the peaceable Commerce of all, that in time to come shall have occasion to traffique into those Territoryes, granted unto Sir *Thomas Gates*, Sir *George Somers*, Knights, *Thomas Hamon*, and *Raleigh Gilbert*, Esquires, and of their Associates, for the more speedy Accomplishment thereof, by our Letters-Pattent, bearing Date the Tenth Day of Aprill, in the Fourth Year of our Reign of

England, *France*, and *Ireland*, and of *Scotland* the ffourtieth, free Liberty to divide themselves into two several Collonyes; the one called the first Collonye, to be undertaken and advanced by certain Knights, Gentlemen, and Merchants, in and about our Cyty of London; the other called the second Collonye, to be undertaken and advanced by certaine Knights, Gentlemen, and Merchants, and their Associates, in and about our Citties of Bristol, Exon, and our Towne of Plymouth, and other Places, as in and by our said Letters-Pattents, amongst other Things more att large it doth and may appeare. And whereas, since that Time, upon the humble Petition of the said Adventurers and Planters of the said first Collonye, We have been graciously pleased to make them one distinct and entire Body by themselves, giving unto them their distinct Lymitts and Bounds, and have upon their like humble Request, granted unto them divers Liberties, Priveliges, Enlargements, and Immunityes, as in and by our severall Letters-Patents it doth and may appeare. Now forasmuch as we have been in like manner humbly petitioned unto by our trusty and well beloved Servant, Sir *fferdinando Gorges*, Knight, Captain of our ffort and Island by Plymouth, and by certain the principal Knights and Gentlemen Adventurers of the said Second Collonye, and by divers other Persons of quality, who now intend to be their Associates, divers of which have been at great and extraordinary Charge, and sustained many Losses in seeking and discovering a Place fitt and convenient to lay the Foundation of a hopeful Plantation, and have divers Years past by God's Assistance, and their own Endeavours, taken actual Possession of the Continent hereafter mentioned, in our Name and to our Use, as Sovereign Lord thereof, and have settled already some of our People in Places agreeable to their Desires in those Parts, and in confidence of prosperous Success therein, by the

Continuance of God's Devine Blessing, and our Royall Permission, have resolved in a more plentifull and effectual manner to prosecute the same, and to that Purpose and Intent have desired of Us, for their better Encouragement and Satisfaction herein, and that they may avoide all Confusion, Questions, or Differences between themselves, and those of the said first Collonye, We would likewise be graciously pleased to make certaine Adventurers, intending to erect and establish ffishery, Trade, and Plantacion, within the Territoryes, Precincts, and Lymitts of the said second Colony, and their Successors, one several distinct and entire Body, and to grant unto them, such Estate, Liberties, Priveliges, Enlargements, and Immunityes there, as in these our Letters-Pattents hereafter particularly expressed and declared. And forasmuch as We have been certainly given to understand by divers of our good Subjects, that have for these many Yeares past frequented those Coasts and Territoryes, between the Degrees of Fourty and Fourty-Eight, that there is noe other the Subjects of any Christian King or State, by any Authority from their Sovereignes, Lords or Princes, actually in Possession of any of the said Lands or Precincts, whereby any Right, Claim, Interest, or Title, may, might, or ought by that Meanes accrue, belong, or appertaine unto them, or any of them. And also for that We have been further given certainly to knowe, that within these late Yeares there hath by God's Visitation raigned a wonderfull Plague, together with many horrible Slaughters, and Murthers, committed amoungst the Savages and bruitish People there, heretofore inhabiting, in a Manner to the utter Destruction, Deuastacion, and Depopulacion of that whole Territorye, so that there is not left for many Leagues together in a Manner, any that doe claime or challenge any Kind of Interests therein, nor any other Superiour Lord or Souveraigne to make Claime thereunto, whereby We in our Judgment are persuaded and satisfied that the appointed Time is come in which Almighty God in his great Goodness and Bountie towards Us and our People, hath thought fitt and determined, that those large and goodly Territoryes, deserted as it were by their naturall Inhabitants, should be possessed and enjoyed by such of our Subjects and People as heertofore have and hereafter shall by his Mercie and Favour, and by his Powerfull Arme, be directed and conducted thither. In Contemplacion and serious Consideracion whereof, Wee have thought it fitt according to our Kingly Duty, soe much as in Us lyeth, to second and followe God's sacred Will, rendering reverend Thanks to his Divine Majestie for his gracious favour in laying open and revealing the same unto us, before any other Christian Prince or State, by which Meanes without Offence, and as we trust to his Glory, Wee may with Boldness goe on to the settling of soe hopefull a work, which tendeth to the reducing and Conversion of such Sauages as remaine wandering in Desolacion and Distress, to Civil Societie and Christian Religion, to the Inlargement of our own Dominions, and the Aduancement of the Fortunes of such of our good Subjects as shall willingly intresse themselves in the said Imployment, to whom We cannot but give singular commendations for their soe worthy Intention and Enterprize; we therefore, of our especiall Grace, mere motion, and certaine knowledge, by the Aduice of the Lords and others of our Priuy Councell have for Us, our Heyrs and Successors, graunted, ordained, and established, and in and by these Presents, Do for Us, our Heirs and Successors, grant, ordaine and establish, that all that Circuit, Continent, Precincts, and Limitts in America, lying and being in Breadth from Fourty Degrees of Northerly Latitude, from the Equnoctiall Line, to Fourty-eight Degrees of the said Northerly Latitude, and in Length by all the Breadth aforesaid throughout the Maine Land, from Sea to Sea, with all the Seas, Rivers, Islands, Creekes, Inletts, Ports, and Havens, within the Degrees, Precincts, and Limitts of the said Latitude and Longitude shall be the Limitts, and Bounds, and Precincts of the second Collony; And to the End that the said Territoryes may forever hereafter be more particularly and certainly known and distinguished, our Will and Pleasure is, that the same shall from henceforth be nominated, termed and called by the Name of New-England, in America; and by that Name of New-England in America, the said Circuit, Precinct, Limitt, Continent, Islands, and Places in America, aforesaid, We do by these Presents, for Us, our Heyrs and Successors, name, call, erect, found and establish, and by that Name to have Continuance for ever, And for the better Plantacion, ruling, and governing of the aforesaid New-England, in America, We will, ordaine, constitute, assigne, limitt and appoint, and for Us, our Heyrs and Successors, Wee, by the Advice of the Lords and others of the said priuie Councill, do by these Presents ordaine, constitute, limett, and appoint, that from henceforth, there shall be for ever hereafter, in our Towne of Plymouth, in the County of Devon, one Body politicque and corporate, which shall have perpetuall Succession, which shall consist of the Numbre of fourtie Persons, and no more, which shall be, and shall be called and knowne by the Name the Councill established at Plymouth, in the County of Devon for the planting, ruling, ordering, and governing of New-England, in America; and for that Purpose Wee have, at and by the Nomination and Request of the said Petitioners, granted, ordained, established, and confirmed; and by these Presents, for Us, our Heyres and Successors, doe grant, ordaine, establish, and confirme, our right trusty and right well beloved Cosins and Councillors Lodowick, Duke of Lenox, Lord Steward of our Household, George, Lord Marquess Buckingham, our High Admiral of England, James Marquess Hamilton, William Earle of Pembrocke, Lord Chamberlaine of our Houshold, Thomas Earl of Arundel, and our right trusty and right well beloved Cosin, William Earle of Bathe, and right trusty and right well beloved Cosin and Councellor, Henry Earle of Southampton, and our right trusty and right well beloved cousins, William Earle of Salisbury, and Robert Earle of Warwick, and our right trusty and well beloved John Viscount Haddington, and our right trusty and well beloved Councellor Edward Lord Zouch, Lord Warden of our Cincque Ports, and our trusty and well beloved Edmond Lord Sheffield, Edward Lord Gorges, and our well beloved Sir Edward Seymour, Knight and Barronett, Sir Robert Manselle, Sir Edward Zouch, our Knight Marshall, Sir Dudley Diggs, Sir Thomas Roe, Sir ff、erdinando Gorges, Sir Francis Popham, Sir John Brook, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgecombe, Sir Allen Apsley, Sir Warwick Hale, Sir Richard Catchmay, Sir John Bourchier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompesson, and Sir Thomas Wroth, Knights; and our well beloved Matthew Sutcliffe, Dean of Exeter, Robert Heath, Esq; Recorder of our Cittie of London, Henry Bourchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Esquiers, to be in and by these Presents; We do appoint them to be the first moderne and present Councill established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New-England, in America; and that they, and the Suruiours of them, and such as the Suruiours and Suruiour of them shall, from tyme to tyme elect, and chuse to make up the aforesaid Number of fourtie Persons, when, and as often as any of them, or any of their Successors shall happen to decease, or to be removed from being of the said Councill, shall be in, and by these Presents, incorporated to have a perpetual Succession for ever, in Deed, Fact, and Name, and shall be one Bodye corporate and politicque; and that those, and such said Persons, and their Successors, and such as shall be elected and chosen to succeed them as aforesaid, shall be, and by these Pesents are, and be incorporated, named, and called by the Name of the Councill established at Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America; and them the said Duke of Lenox, Marquess Buckingham, Marquess Hamilton, Earle of Pembroke, Earl of Arundell, Earle of Bathe, Earle of Southampton, Earle Salisbury, Earle of Warwick, Viscount Haddington, Lord Zouch, Lord Sheffield, Lord Gorges, Sir Edward Seymour, Sir Robert Mansell, Sir Edward Zouch, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir ffrancis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgcombe, Sir Allen Apsley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bourchier, Sir Nathaniell Rich, Sir Edward Giles, Sir Giles Mompesson, Sir Thomas Wroth, Knights; Matthew Suttcliffe, Robert Heath, Henry Bouchier, John Drake,-Rawleigh Gilbert, George Chudley, Thomas Haymon, and John Argall, Esqrs. and their Successors, one Body corporate and politick, in Deed and Name, by the Name of the Councell established att Plymouth, in the County of Devon, for the planting, ruling and governing of New England in America. We do by these Presents, for Us, our Heyres and Successors, really and fully incorporate, erect, ordaine, name, constitute, and establish, and that by the same Name of the said Councill, they and their Successors for ever hereafter be incorporated, named, and called, and shall by the same Name have perpetual Succession. And further, Wee do hereby for Us, our Heires and Successors, grant unto the said Councill established att Plymouth, that they and their Successors, by the same Name, be and shall be, and shall continue Persons able and capable in the Law, from time to time, and shall by that Name, of Councill aforesaid, have full Power and Authority, and lawful Capacity and Hability, as well to purchase, take, hold, receive, enjoy, and to have, and their Successors for ever, any Manors, Lands, Tenements, Rents, Royalties, Privileges, Immunities, Reversions, Annuities, Hereditaments, Goods and Chattles whatsoever, of or from Us, our Heirs and Successors, and of or from any other Person or Persons whatsoever, as well in and within this our Realme, of England, as in and within any other Place or Places whatsoever or wheresoever; and the same Manors, Lands, Tenements, and Hereditaments, Goods or Chattles, or any of them, by the same Name to alien and sell, or to do, execute, ordaine and performe all other Matters and Things whatsoever to the said Incorporation and Plantation concerning and belonging. And further, our Will and Pleasure is, that that the said Councill, for the time being, and their Successors, shall have full Power and lawful Authority, by the Name aforesaid, to sue and be sued; implead, and to be impleaded; answer, and to be answered, unto all Manner of Courts and Places that now are, or hereafter shall be, within this our Realme and elsewhere, as well temporal and spiritual, in all Manner of Suits and Matters whatsoever, and of what Nature or Kinde soever such Suite or Action be or shall be. And our Will and Pleasure is, that the said ffourty Persons, or the greater Number of them, shall and may, from time to time, and at any time hereafter, at their owne Will and Pleasure, according to the Laws, Ordinances, and Orders of or by them, or by the greater Part of them, hereafter in Manner and forme in these Presents mentioned, to be agreed upon, to elect and choose amongst themselves one of the said ffourty

Persons for the Time being, to be a President of the said Councill, which President soe elected and chosen, Wee will, shall continue and be President of the said Councill for so long a Time as by the Orders of the said Councill, from time to time to be made, as hereafter is mentioned, shall be thought fitt, and no longer; unto which President, or in his Absence, to any such Person as by the Order of the said Councill shall be thereunto appointed, wee do give Authority to give Order for the warning of the said Council, and summoning the Company to their meetings. And our will and Pleasure is, that from time to time, when and so often as any of the Councill shall happen to decease, or to be removed from being of the said Councell, that then, and so often, the Survivors of them the said Councill, and no other or the greater number of them, who then shall be from time to time left remaininge, and who shall, or the greater Number of which that shall be assembled at a public Court or Meeting to be held for the said Company, shall elect and choose one or more other Person or Persons to be of the said Councill, and which from time to time shall be of the said Councill, so that the Number of ffourty Persons of the said Councill may from time to time be supplied: Provided always that as well the Persons herein named to be of the said Councill, as every other Councillor hereafter to be elected, shall be presented to the Lord Chancellor of England, or to the Lord High Treasurer of England, or to the Lord Chamberlaine of the Household of Us, our Heires and Successors for the Time being, to take his and their Oath and Oathes of a Councellor and Councellors to Us, our Heirs and Successors for the Time being, to take his and their Oath and Oathes of a Councellor and Councellors to Us, our Heirs and Successors, for the said Company and Collonye in New-England. And further, wee will and grant by these Presents, for Us, our Heires and Successors, unto the said Councill and their Successors, that they and their Successors shall have and enjoy for ever a Common Seale, to be engraven according to their Discretions; and that it shall be lawfull for them to appoint whatever Seale or Seales, they shall think most meete and necessary, either for their Uses, as they are one united Body incorporate here, or for the publick of their Gouvernour and Ministers of New-England aforesaid, whereby the Incorporation may or shall seale any Manner of Instrument touching the same Corporation, and the Manors, Lands, Tenements, Rents, Reversions, Annuities, Hereditaments, Goods, Chattles, Affaires, and any other Things belonging unto, or in any wise appertaininge, touching, or concerning the said Councill and their Successors, or concerning the said Corporation and Plantation in and by these our Letters-Patents as aforesaid founded, erected, and established. And Wee do further by these Presents, for Us, our Heires and Successors, grant unto the said Councill and their Successors for the Time being, in their discretions, from time to time to admit such and so many Person and Persons to be made free and enabled to trade traffick unto, within, and in New England aforesaid, and unto every Part and Parcell thereof, or to have, possess, or enjoy, any Lands or Hereditaments in New-England aforesaid, as they shall think fitt, according to the Laws, Orders and Constitutions, and Ordinances, by the said Councill and their Successors from time to time to be made and established by Virtue of, and according to the true Intent of these Presents, and under such Conditions, Reservations, and agreements as the said Councill shall set downe, order and direct, and not otherwise. And further, of our especiall Grace, certaine Knowledge, and mere Motion, for Us, our Heires and Successors, wee do by these Presents give and grant full Power and Authority to the said Councill and their Successors, that the said Councill for the Time being, or the greater Part of them, shall and may, from time to time, nominate, make, constitute, ordaine, and confirme by such Name or Names, Sale or Sales, as to them shall seeme Good; and likewise to revoke, disdischarge, charge and alter, as well all and singular, Governors, Officers, and Ministers, which hereafter shall be by them thought fitt and needful to be made or used, as well to attend the Business of the said Company here, as for the government of the said Collony and Plantation, and also to make, ordaine, and establish all Manner of Orders, Laws, Directions, Instructions, Forms, and Ceremonies of Government and Magistràcy fitt and necessary for and concerning the Government of the said Collony and Plantation, so always as the same be not contrary to the Laws and Statutes of this our Realme of England, and the same att all Times hereafter to abrogate, revoke, or change, not only within the Precincts of the said Collony, but also upon the Seas in going and coming to and from the said Collony, as they in their good Discretions shall thinke to be fittest for the good of the Adventurers and Inhabitants there. And wee do further of our especiall Grace, certaine Knowledge, and mere Motion, grant, declare, and ordain, that such principall Governor, as from time to time shall be authorised and appointed in Manner and Forme in these Presents heretofore expressed, shall have full Power and Authority to use and exercise martiall Laws in Case of Rebellion, Insurrection and mutiny, in as large and ample Manner as our Lieutenants in our Counties within our Realme of England have or ought to have by Force of their Commission of Lieutenancy. And for as much as it shall be necessary for all our lovinge Subjects as shall inhabit within the said Precincts of New-England aforesaid, to determine to live together in the Feare and true worship of Allmighty God, Christian Peace, and civil Quietness, each with other, whereby everyone may with more Safety, Pleasure, and Profitt, enjoye that whereunto they shall attaine with great Pain and Perill, Wee, for Us, our Heires and Successors, are likewise pleased and contented, and by these Presents do give and grant unto the said Council and their Successors, and to such Governors, Officers, and ministers, as shall be by the said Councill constituted and appointed according to the natures and Limitts of their Offices and Places respectively, that they shall and may, from time to time for ever hereafter, within the said Precincts of New-England, or in the way by the Seas thither, and from thence have full and absolute Power and Authority to correct, punish, pardon, governe, and rule all such the Subjects of Us, our Heires and Successors as shall from time to time adventure themselves in any Voyage thither, or that shall att any Time hereafter inhabit in the Precincts or Territories of the said Collony as aforesaid, according to such Laws, Orders, Ordinances, Directions, and Instructions as by the said Councill aforesaid shall be established; and in Defect thereof, in Cases of Necessity, according to the good Discretions of the said Governors and Officers respectively, as well in Cases capitall and criminall, as civill, both marine and others, so allways as the said Statutes, Ordinances, and Proceedings, as near as conveniently may be, agreeable to the Laws, Statutes, Government and Policie of this our Realme of England. And furthermore, if any Person or Persons, Adventurers or Planters of the said Collony, or any other, att any Time or Times heereafter, shall transport any Moneys, Goods, or Merchandizes, out of any of our Kingdoms, with a Pretence or Purpose to land, sell, or otherwise dispose of the same within the Limitts and Bounds of the said Collony, and yet nevertheless being att Sea, or after he hath landed within any Part of the said Collony shall carry the same into any other fforaigne Country with a Purpose there to see and dispose thereof, that then all the Goods and Chattles of the said Person or Persons so offending and transported, together with the Ship or Vessell wherein such Transportation was made, shall be forfeited to Us, our Heires and Successors. And wee do further of our especiall Grace, certaine Knowledge, and meere motion for Us, our Heirs and Successors for and in Respect of the Considerations aforesaid, and for divers other good Considerations and Causes, us thereunto especially moving, and by the Advice of the Lords and Others of our said Privy Councill have absolutely giuen, granted, and confirmed, and do by these Presents absolutely give, grant, and confirm unto the said Councill, called the Councill established att Plymouth in the County of Devon for the planting, ruling, and governing of New-England in America, and unto their Successors for ever, all the aforesaid Lands and Grounds, Continent, Precinct, Place, Places and Territoryes, viz. that aforesad Part of America, lying, and being in Breadth from ffourty Degrees of Northerly Latitude from the Equinoctiall Line, to ffourty-eight Degrees of the said Northerly Latitude inclusively, and in Length of, and within all the Breadth aforesaid, throughout all the Maine Lands from Sea to Sea, together also, with the Firme Lands, Soyles, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines, and Mineralls, as well Royall Mines of Gold and Silver, as other Mine and Mineralls, precious Stones, Quarries, and all, and singular other Comodities, Jurisdictions, Royalties, Priveliges, Franchises, and Preheminences, both within the same Tract of Land upon the Maine, and also within the said Islands and Seas adjoining: Provided always, that the said Islands, or any of the Premises herein before mentioned, and by these Presents intended and meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor be within the Bounds, Limitts or Territoryes, of that Southern Collony heretofore by us granted to be planted by diverse of our loving Subjects in the South Part, to have and to hold, possess and enjoy, all, and singular, the aforesaid Continent, Lands, Territoryes, Islands, Hereditaments and Precincts, Sea Waters, Fishings, with all, and all Manner their Commodities, Royalties, Liberties, Preheminences, and Profitts, that shall arise from thence, with all and singular, their Appurtenances, and every Part and Parcel thereof, and of them, to and unto the said Councell and their Successors and Assignes for ever, to the sole only and proper Use, Benefit, and Behooffe of them the said Council and their Successors and Assignes for ever, to be holden of Us, our Heires, and Successors, as of our Manor of East Greenwich, in our County of Kent, in free and comon Soccage and not in Capite, nor by Knight's Service; yielding and paying therefore to Us, our Heires, our Successors, the fifth Part, of the Ore of Gold and Silver, which from time to time, and att all times heereafter, shall happen to be found, gotten, had, and obtained, in or within any the said Lands, Limitts, Territoryes, and Precincts, or in or within any Part or Parcell thereof, for, or in Respect of all, and all Manner of Dutys, Demands, and Services whatsoever, to be done, made, or paid to Us, our Heires, and Successors. And wee do further of our especiall Grace, certaine Knowledge, and meere Motion, for Us, and our Heires, and Successors, give and grant to the said Councell, and Successors for ever by these Presents, that it shall be lawfull and free for them and their Assignes, att all and every time and times hereafter, out of our Realmes or Dominions whatsoever, to take, load, carry, and transport in, and into their Voyages, and for, and towards the said Plantation in New-England, all such, and so many of our loveing Subjects, or any other Strangers that will become our loving Subjects, and live under our

Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour Weapons, Ordinance, Munition, Powder, Shott, Victuals and all Manner of Cloathing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and fro, without paying or yeilding, any Custom or Subsidie either inward or outward, to Us, our Heires, or Successors, for the same, for the Space of seven Years, from the Day of the Date of these Presents, provided that none of the said Persons be such as shall be hereafter by special Name restrained by Us, our Heire, or Successors. And for their further Encouragement, of our especiall Grace and Favor, wee do by these Presents for Us, our Heires, and Successors, yield and grant, to and with the said Councill and their Successors, and every of them, their Factors and Assignes, that they and every of them, shall be free and quitt from all Subsidies and Customes in New-England for the Space of seven Years, and from all Taxes and Impositions for the Space of twenty and one Yeares, upon all such goods and Merchandizes, as shall be brot and imported into our Realme of England, or any other of our Dominions, according to the ancient Trade of Marchants; which five Pounds *per cent.* only being paid, it shall be thenceforth lawful and free for the said Adventurers, the same Goods and Merchandize to export and carry out of our said Dominions into fforaigne Parts, without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other Officers or Ministers of Us, our Heires, or Successors; provided, that the said Goods and Merchandizes be shipped out within thirteene months after their first Landing within any Part of these Dominions. And further our Will and Pleasure is, and Wee do by these Presents charge, comand, warrant, and authorize the said Councill and their Successors, or the major Part of them, which shall be present and assembled for that Purpose, shall from time to time under their comon Seale, distribute, convey, assigne, and sett over, such particular Portions of Lands, Tenements, and Hereditaments, as are by these Presents, formerly granted unto each our loveing Subjects, naturally borne or Denisons, or others, as well Adventurers as Planters, as by the said Company upon a Comission of Survey and Distribution, executed and returned for that Purpose shall be named, appointed, and allowed, wherein our Will and Pleasure is, that Respect be had as well to the Proportion of the Adventurers, as to the speciall Service, Hazard, Exploit, or merit of any Person so to be recompensed, advanced, or rewarded, and wee do also, for Us, our Heires and Successors, grant to the said Councell and their Successors and to all and everysuch Governours, or Officers, or Ministers, as by the said Councill shall be appointed to have Power and Authority of government and Command in and over the said Collony and Plantation, that they and every of them, shall, and lawfully may, from time to time, and att all Times hereafter for ever, for their severall Defence and Safety, encounter, expulse, repel, and resist by Force of Arms, as well by Sea as by Land, and all Ways and Meanes whatsoever, all such Person and Persons, as without the speciall Licence of the said Councell and their Successors, or the greater Part of them, shall attempt to inhabit within the said severall Precincts and Limitts of the said Collony and Plantation. And also all, and every such Person or Persons whatsoever, as shall enterprize or attempt att any time hereafter Destruction, Invasion, Detriment, or Annoyance to the said Collony and Plantation; and that it shall be lawfull for the said Councill, and their Successors, and every of them, from Time to Time, and att all Times heereafter, and they shall have full

Power and Authority, to take and surprize by all ways and meanes whatsoever, all and every such Person and Persons whatsoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creeke, or Place, within the Limitts and Precincts of the said Collony and Plantation, and not being allowed by the said Councill to be Adventurers or Planters of the said Collony. And of our further Royall Favor, wee have granted, and for Us, our Heires, and Successors, wee do grant unto the said Councill and their Successors, that the said Territoryes, Lands, Rivers, and Places aforesaid, or any of them, shall not be visited, frequented, or traded unto, by any other of our Subjects, or the Subjects of Us, our Heires, or Successors, either from any the Ports and Havens belonging or appertayning, or which shall belong or appertayne unto Us, our Heires, or Successors, or to any forraigne State, Prince, or Pottentate whatsoever: And therefore wee do hereby for Us, our Heires, and Successors, charge, command, prohibit, and forbid all the Subjects of Us, our Heires, and Successors, of what Degree and Quality soever, they be, that none of them directly, or indirectly, presume to vissit, frequent, trade, or adventure to traffick into, or from the said Territoryes, Lands, Rivers, and Places aforesaid, or any of them other than the said Councill and their Successors, ffactors, Deputys, and Assignes, unless it be with the License and Consent of the said Councill and Company first had and obtained in writing, under the comon Seal, upon Pain of our Indignation and Imprisonment of their Bodys during the Pleasure of Us, our Heires or Successors, and the Forfeiture and Loss both of theire Ships and Goods, wheresoever they shall be found either within any of our Kingdomes or Dominions, or any other Place or Places out of our Dominions. And for the better effecting of our said Pleasure heerin, wee do heereby for Us, our Heires and Successors, give and grant full Power and Authority unto the said Councill, and their Successors for the time being that they by themselves, their Factors, Deputyes, or Assignes, shall and may from time to time, and at all times heereafter, attach, arrest, take and seize all and all Manner of Ship and Ships, Goods, Wares, and Merchandizes whatsoever, which shall be bro't from or carried to the Places before mentioned, or any of them, contrary to our Will and Pleasure, before in these Presents expressed. The Moyety or one halfe of all which Forfeitures wee do hereby for Us, our Heires and Successors, give and grant unto the said Councill, and their Successors to their own proper Use without Accompt, and the other Moyety, or halfe Part thereof, wee will shall be and remaine to the Use of us, our Heires and Successors. And we likewise have condiscended and granted, and by these Presents, for Us, our Heires and Successors, do condiscend and grant to and with the said Councill, and their Successors, that wee, our Heires or Successors, shall not or will not give and grant any Lybertye, License, or Authority to any Person or Persons whatsoever, to saile, trade, or trafficke unto the aforesaid parts of New-England, without the good will and Likinge of the said Councill, or the greater Part of them for the Time beinge, att any their Courts to be assembled. And wee do for Us, our Heires and Successors, give and grant unto the said Councill, and their Successors, that whensoever, or so often as any Custome or Subsidie shall growe due or payable unto Us, our Heires or Successors, according to the Limitation and appointment aforesaid, by Reason of any goods, Wares, Merchandizes, to be shipped out, or any Returne to be made of any goods, Wares, or Merchandizes, unto or from New-England, or any the Lands Territoryes aforesaid, than then so often, and in such Case the ffarmers, Customers, and Officers of our Customes of England and Ireland, and every of them, for the Time being, upon Request made unto them by the said Councill, the Successors, ffactors, or Assignes, and upon convenient Security to be given in that Behalfe, shall give and allowe unto the said Councill and their Successors, and to all Person and Persons free of the said Company as aforesaid, six Months Time for the Payment of the one halfe of all such Custome and Subsidie, as shall be due and payable unto Us, our Heires and Successors for the same, for which these our Letterspattent, or the Duplicate, or the Enrolment thereof, shall be unto our said Officers a sufficient warrant and Discharge. Nevertheless, our Will and Pleasure is, that if any of the said Goods, Wares and Merchandizes, which be, or shall be, att any time heereafter, landed and exported out of any of our Realmes aforesaid, that then such Payment, Duty, Custome, Imposition, or Forfeiture, shall be paid, and belong to Us, our Heires, and Successors, for the said Goods, Wares, and Merchandises, so fraudulently sought to be transported, as if this our Grant had not been made nor granted: And Wee do for Us, our Heires and Successors, give and grant unto the said Councill and theire Successors for, ever, by these Presents, that the said President of the said Company, or his Deputy for the Time being, or any two others of the said Councill, for the said Collony in New-England, for the Time being, or any two others of the said Councill, for the said Collony in New-England, for the time beinge, shall and may, and att all Times heereafter, and from time to time, have full Power and Authority, to minister the Oath and Oaths of Allegiance and Supremacy, or either of them, to all and every Person and Persons, which shall att any Time and Times heereafter, goe or pass to the said Collony in New-England. And further, that it shall belikewise be lawful for the said President, or his Deputy for the Time being, or any two others of the said Councill for the said Collony of New-England for the Time being, from time to time, and att all times heereafter, to minister such a formal Oath, as by their Discretion shall be reasonably devised, as well unto any Person and Persons imployed or to be imployed in, for, or touching the said Plantation, for their honest, faithfull and just Discharge of their Service, in all such Matters as shall be committed unto them for the Good and Benefitt of the said Company, Collony, and Plantation, as also unto such other Person or Persons, as the said President or his Deputy, with two others of the said Councill, shall thinke meete for the Examination or clearing of the Truth in any Cause whatsoever, concerning the said Plantation, or any Business from thence proceeding, or thereunto belonging. And to the end that no lewd or ill-disposed Persons, Saylors, Soldiers, Artificers, Labourers, Husbandmen, or others, which shall receive Wages, Apparel, or other Entertainment from the said Councill, or contract or agree with the said Councill to goe, and to serve, and to be imployed, in the said Plantation, in the Collony in New-England, do afterwards withdraw, hide, and conceale themselves, or refuse to go thither, after they have been so entertained and agreed withall; and that no Persons which shall be sent and imployed, in the said Plantation, of the said Collony in New-England, upon the Charge of the said Councill, doe misbehave themselves by mutinous Seditions, or other notorious Misdemeanors, or which shall be imployed, or sent abroad by the Governour of New-England or his Deputy, with any Shipp or Pinace, for Provision of the said Collony, or for some Discovery, or other Business or Affaires concerninge the same, doe from thence either treacherously come back againe, or returne into the Realme of Englande by Stealth, or without Licence of the governour of the said Collony in New-England for the Time being, or be sent hither as misdoers or Offendors; and that none of those Persons after theire Returne from thence, being questioned by the said Councill heere, for such their Misdemeanors and Offences, do, by insolent and contemptuous Carriage in the Presence of the said Councill shew little Respect and Reverence, either to the Place or Authority in which we have placed and appointed them and others, for the clearing of their Lewdness and Misdemeanors committed in New-England, divulge vile and scandalous Reports of the Country of New-England, or of the Government or Estate of the said Plantation and Collony, to bring the said Voyages and Plantation into Disgrace and Contempt, by meanes whereof, not only the Adventurers and Planters already engaged in the said Plantation may be exceedingly abused and hindered, and a great number of our loveing and well-disposed Subjects, otherways well affected and inclined to joine and adventure in so noble a Christian and worthy Action may be discouraged from the same, but also the Enterprize itself may be overthrowne, which cannot miscarry without some Dishonour to Us and our Kingdome: wee, therefore, for preventing so great and enormous Abuses and Misdemeanors, Do, by these Presents for Us, our Heires, and Successors, give and grant unto the said President or his Deputy, or such other Person or Persons, as by the Orders of the said Councill shall be appointed by warrant under his or their Hand or Hands, to send for, or cause to be apprehended, all and every such Person or Persons, who shall be noted, or accused, or found at any time or times heereafter to offend or misbehave themselves in any the Affaires before mentioned and expressed; and upon the Examination of any such Offender or Offenders, and just Proofe made by Oathe taken before the said Councill, of any such notorious misdemeanours by them committed as aforesaid, and also upon any insolent, contemptuous, or irreverent Carriage or Misbehavior, to or against the said Councill, to be shewed or used by any such Person or Persons so called, convened, and appearing before them as aforesaid, that in all such Cases, our said Councill, or any two or more of them for the Time being, shall and may have full Power and Authority, either heere to bind them over with good Sureties for their good Behavior, and further therein to proceed, to all Intents and Purposes as it is used in other like Cases within our Realme of England, or else at their Discretions to remand and send back the said Offenders, or any of them, to the said Collony of New-England, there to be proceeded against and punished as the Governour's Deputy or Councill there for the Time being, shall think meete, or otherwise according to such Laws and Ordinances as are, and shall be, in Use there, for the well ordering and good government of the said Collony. And our Will and Pleasure is, and Wee do hereby declare to all Christian Kings, Princes and States, that if any Person or Persons which shall hereafter be of the said Collony or Plantation, or any other by License or Appointment of the said Councill, or their Successors, or otherwise, shall at any time or times heereafter, rob or spoil, by Sea or by Land, or do any Hurt, Violence, or unlawfull Hostility to any of the Subjects of Us, our Heires, or Successors, or any of the Subjects of any King, Prince, Ruler, or Governour, or State, being then in League or Amity with Us, our Heires and Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governour, or State, or their Subjects, Wee, our Heires, or Successors shall make open Proclamation within any of the Ports of our Realme of England commodious for that Purpose, that the Person or Persons having committed any such Robbery or Spoile, shall within the Term limited by such a Proclamation, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes or other, so complaining, may hold themselves fully satisfied and contented. And if that the said Person or Persons having committed such Robbery or Spoile, shall not make or cause to be made Satisfaction accordingly within such Terme so to be limited, that then it shall be lawful for Us, our Heires or Successors, to put the said Person or Persons out of our Allegiance and Protection; and that it shall be lawful and free for all Princes to prosecute with Hostility the said Offenders and every of them, their, and every of their Procurers, Aiders, Abettors, and Comforters in that Behalfe. And also, Wee do for Us, our Heires and Successors, declare by these Presents, that all and every the Persons, beinge our Subjects, which shall goe and inhabitt within the said Collony and Plantation, and every of their Children and Posterity, which shall happen to be born within the Limitts thereof, shall have and injoy all Liberties, and ffranchizes, and Immunities of free Denizens and naturall Subjects within any of our other Dominions. And lastly, because the principall effect which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect, wee would be loath that any Person should be permitted to pass that Wee suspected to affect the Superstition of the Chh of Rome, wee do hereby declare that it is our will and Pleasure that none be permitted to pass, in any voyage from time to time to be made into the said Country, but such as shall first have taken the Oathe of Supremacy; for which Purpose, wee do by these Presents give full Power and Authority to the President of the said Councill, to tender and exhibit the said Oath to all such Persons as shall at any time be sent and imployed in the said Voyage. And Wee also for Us, our Heires and Successors, do covenant and grant to and with the Councill, and their Successors, or any of them, shall at any time or times heereafter, upon any doubt which they shall conceive concerning the Strength or Validity in Law of this our present grant, or be desirous to have the same renewed and confirmed by Us, our Heires and Successors, with Amendment of such Imperfection and Defects as shall appeare fitt and necessary to the said Councill, or their Successors, to be reformed and amended on the Behalfe of Us, our Heires and Successors, and for the furthering of the Plantation and Government, or the Increase, continuing, and flourishing thereof, that then, upon the humble Petition of the said Councill for the time being, and their Successors, to Us, our Heires and Successors, Wee, our Heires and Successors, shall and will forthwith make and pass under the Great Seale of England, to the said Councill and theire Successors, such further and better Assurance, of all and singular the Lands, Grounds, Royalties, Priveliges, and Premisses aforesaid granted, or intended to be granted, according to our true Intent and Meaneing in these our Letters-patents, signified, declared, or mentioned, as by the learned Councill of Us, our Heires, and Successors, and of the said Company and theire Successors shall, in that Behalfe, be reasonably devised or advised. And further our Will and Pleasure is, that in all Questions and Doubts, that shall arise upon any Difficulty of Instruction or Interpretation of any Thing contained in these our Letters-pattents, the same shall be taken and interpreted in most ample and beneficial manner, for the said Councill and theire Successors, and every Member thereof. And Wee do further for Us, our Heires and Successors, charge and command all and singular Admirals, Vice-Admirals, Generals, Comanders, Captaines, Justices of Peace, Majors, Sheriffs, Bailiffs, Constables, Customers, Comptrollers, Waiters, Searchers, and all the Officers of Us, our Heires and Successors, whatsoever to be from time to time, and att all times heereafter, in all Things aiding, helping, and assisting unto the said Councill, and their Successors, and unto every of them, upon Request and Requests by them to be made, in all Matters and Things, for the Furtherance and Accomplishment of all or any the Matters and Things by Us, in and by these our Letters-pattents, given, granted, and provided, as they our said Officers, and the Officers of Us, our Heires and Successors, do tender our Pleasure, and will avoid the Contrary att their Perills. And wee also do by these Presents, ratifye and confirm unto the said Councill and their Successors, all Priveliges, ffranchises, Liberties, Immunities granted in our said former Letters-patents, and not in these our Letters-patents revoaked, altered, changed or abridgėd, altho' express Mention, &c.

In Witnes *&c.*

Witnes our selfe at *Westminster* the Third Day of November, in the Eighteenth Yeare of our Reign over England, &c.

Par Breve de Privato Sigello, &c.

This is a true Copy from the Original Record remaining in the Chapel of the Rolls having been examined.

HEN. ROOKE, *Clerk of the Rolls.*

VII.

FIRST PLYMOUTH PATENT BY THE GREAT COUNCIL FOR NEW ENGLAND.

JUNE 1/11, 1621.

Sources.

In respect to the First Plymouth Patent to John Pierce, "citizen and clothworker of London," June 1/11, 1621, it is interesting to note that it is the first grant of which any record is made by the Great Council under their charter of 1620. It is also believed to be the oldest State document in the United States.

For many years the patent was lost, and only after much search was discovered in 1741, among a mass of old papers in the land office, Boston; in 1853 it was deposited in Pilgrim Hall, Plymouth.

Although the patent was little more than a general commission to Pierce to establish himself anywhere in New England on land not already occupied by "any English," it has been claimed that a settlement was begun under its provisions at a place called Broad Bay within the limits of ancient Pemaquid. The document is accordingly printed entire.

The text adopted is that of Charles Deane, editor, the "Massachusetts Historical Society Collections" Series IV., II. 158-163, where it was first published. That text has also been carefully compared with the original document at Plymouth.

Another copy is found in John A. Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (New York, 1862), Appendix D, 118-120. It has also been printed by William T. Davis, "History of the Town of Plymouth, with a Sketch of the Origin and Growth of Separatism" (Philadelphia, 1885), 27, 28; and in "Ancient Landmarks of Plymouth" (Boston, 1883), 40-44.

Text.

This Indenture made the First Day of June *1621* And in the yeeres of the raigne of our soūaigne Lord James by the grace of God King of England Scotland Fraunce and Ireland defender of the faith &cs That is to say of England Fraunce and Ireland the Nynetenth and of Scotland the fowre and fiftith/ Betwene the President and Counsell of New England of the one p̃tie And John Pierce Citizen and Cloth worker of London and his Associats of the other p̃tie WITNESSETH that whereas the said John Pierce and his Associats haue already transported and vntertaken to transporte at their cost and chardges themselves and dyvers ꝑsons into New England and there to erect and build a Towne and settle dyvers ꝑsons Inhabitants for the advancem^{t} of the geñall plantac̄on of that Country of New England NOW THE SAYDE President and Counsell in considerac̄on thereof and for the furtherance of the said plantac̄on and incoragem^{t} of the said Vndertakers haue agreed to graunt assigne allott and appoynt to the said John Peirce and his associats and eũy of them his and their heires and assignes one hundred acres of grownd for eũy ꝑson so to be tranported besides dyvers other pryviledges Liberties and com̄odyties hereafter menc̄oned/ And to that intent they have graunted allotted assigned and confirmed/ And by this p̃nts doe graunt allott assigne and confirme vnto the said John Peirce and his Associats his and their heires & assignes and the heires and assignes of eũy of them sẽvally & respectyvelie one hundred seṽall acres of grownd in New England for eũy ꝑson so transported or to be transported (Yf the said John Peirce or his Associats contynue there three whole yeeres either at one or seũall tym̄es or dye in the meane season after he or they are shipped with intent there to inhabit The same Land to be taken & chosen by them their deputies or assignes in any place or places wheresoũ not already inhabited by any English and where no English ꝑson or ꝑsons are already placed or settled or haue by order of the said President and Councell made choyce of, nor within Tenne myles of the same (vnles it be on the opposite syde of some great or Navigable Ryver to the former p̃ticuler plantac̄on, together with the one half of the Ryver or Ryvers, that is to say to the middest thereof as shall adioyne to such lands as they shall make choyce of together with all such Liberties pryviledges p̃ffitts & Com̄odyties as the said Land and Ryvers which they shall make choyce of shall yeild together with free lib̃tie to fishe in and vpon the Coast of New England and in all havens ports and creekes Therevnto belonging and that no ꝑson or ꝑsons whatsoeũ shall take any benefitt or lib̃tie of or to any of the grownds or the one half of the Ryvers aforesaid (excepting the free vse of highwayes by land and Navigable Ryvers, but that the said vndertakers & planters their heires & assignes shall haue the sole right and vse of the said grownds and the one half of the said Ryvers with all their ꝑffitts & appe^{r}teñncs/ And forasmuch as the said John Peirce and his associats intend and haue vndertaken to build Churches, Schooles, Hospitalls Towne howses, Bridges and such like workes of Charytie As also for the maynteyning of Magistrats and other inferio^{r} Officers/ In regard whereof and to the end that the said John Peirce and his Associats his & their heires & assignes may have wherewithall to beare & support such like charge/ Therefore the said President & Councell aforesaid do graunt vnto the said Vndertakers their heires & assignes Fifteene hundred acres of Land moreover and aboue the aforesaid proporc̃on of one hundred the ꝑson for eũy vndertaker & Planter to be ymployed vpon such publiq vses as the said Vndertakers & Planters shall thinck fitt/ And they do further graunt vnto the said John Peirce and his Associats their heires & assignes, that for eũy ꝑson that they or any of them shall transport at their owne propꝑ costs & chargs into New England either vnto the Lands hereby graunted or adioyninge to them within Seaven Yeeres after the feast of S^{t} John Baptist next Com̄ing Yf the said ꝑson transported Contynue there three whole yeeres either at one or seũall tymes or dye in the meane season after he is shipped with‸intent there to inhabit that the said ꝑson or ꝑsons that shall so at his or their owne chargs transport any other shall have graunted and allowed to him & them and his & their heires respectyvelie for eũy ꝑson so transported or dyeing after he is shipped one hundred acres of Land, and also that eũy ꝑson or ꝑsons who by contract

& agream^{t} to be had & made with the said Vndertakr̃s shall at his & their owne charge transport him & themselves or any other & setle and plant themselves in New England within the said Seaven Yeeres for three yeeres space as aforesaid or dye in the meane tyme shall have graunted & allowed vnto eũy pson so transporting or transported and their heires & assignes respectyvely the like number of one hundred acres of Land as aforesaid the same to be by him & them or their heires & assignes chosen in any entyre place together and adioyning to the aforesaid Lands and not stragglingly not before the tyme of such choyce made possessed or inhabited by any English Company or within tenne myles of the same (except it be on the opposite sides of some great Navigable Ryver as aforesaid YEILDING and paying vnto the said President and Counsell for eũy hundred acre so obteyned and possessed by the said John Peirce and his said Associats and by those said other psons and their heires & assignes who by Contract as aforesaid shall at their own chargs transport themselves or others the Yerely rent of Two Shillings at the feast of St. Michaell Tharchaungell to the hand of the Rentgatherer of the said President & Counsell and their successo^{r}s foreũ/ the first paym^{t} to begyn after the 'xpiracõn of the first seaven Yeeres next after the date hereof AND further it shalbe lawfull to and for the said John Peirce and his Associats and such as contract with them as aforesaid their Teñnts & s̃rvants vpon dislike of or in the Country to returne for England or elsewhere with all their goods & chattels at their will & pleasure without lett or disturbaunce of any paying all debts that iustly shalbe demaunded AND likewise it shalbe lawfull and is graunted to and for the said John Peirce and his Associats & Planters their heires & assignes their Teñts & s̃rvants and such as they or any of them shall contract with as aforesaid and send and ymploy for the said plantacõn to goe & returne trade traffiq import or transport their goods & m̃chaundize at their will & pleasure into England or elsewhere paying onely such dueties to the Kings ma^{tie} his heires & successo^{r}s as the President and Counsell of New England doe pay without any other taxes Imposic̃ons burthens or restraints whatsoeũ vpon them to be ymposed (the rent hereby res̃ved being onely excepted) AND it shalbe lawfull for the said Vndertakẽs & Planters, their heires & successo^{r}s freely to truck trade & traffiq with the Salvages in New England or neighboring thereabouts at their wills & pleasures without lett or disturbaunce/ As also to haue lib̃tie to hunt hauke fish or fowle in any place or places not now or hereafter by the English inhabited/ AND THE SAID President & Counsell do coveñnt & promyse to and with the said John Peirce and his Associats and others contracted wth as aforesaid his and their heires & assignes/ That vpon lawfull s̃rvey to be had & made at the charge of the said Vndertakers & Planters and lawfull informac̃on geven of the bownds, meets, and quantytie of Lands so as aforesaid to be by them chosen & possessed they the said President & Counsell vpon s̃rrender of this p̃nte graunt & Indenture and vpon reasonable request to be made by the said Vndertakers & Planters their heires & assignes within seaven Yeeres now next coming, shall and will by their Deede Indented and vnder their Com̃on seale graunt infeoffe & confirme all and eũy the said lands so sett out and bownded as aforesaid to the said John Peirce and his Associats and such as contract with them their heires & assignes in as large & beneficiall manner as the same are in theis p̃nte graunted or intended to be graunted to all intents & purposes with all and eũy p̃ticler pryviledge & freedome res̃vac̃on & condic̃on with all dependances herein specyfyed & graunted/ And shall also at any tyme within the said terme of Seaven Yeeres vpon request vnto the said President & Counsell made, graunt vnto them the said John Peirce and his Associats Vndertakers & Planters their heires & assignes, Letters & Graunts of Incorporac̃on by some vsuall & fitt name & tytle with Liberty to them and their successors from tyme to tyme to make orders Lawes Ordynaunces & Constituc̃ons for the rule governement ordering & dyrecting of all psons to be transported & settled vpon the lands hereby graunted, intended to be graunted or hereafter to be granted and of the same Lands & proffitts thereby arrysing/ And in the meane tyme vntill such graunt made, Yt shalbe lawfull for the said John Peirce his Associatts Vndertakers & Planters their heires & assignes by consent of the greater p̃t of them/ To establish such Lawes & ordynauncs as are for their better governem^{t}, and the same by such Officer or Officers as they shall by most voyces elect & choose to put in execuc̃on/ AND lastly the said President and Counsell do graunt and agree to and with the said John Peirce and his Associats and others contracted with and ymployed as aforesaid their heires & assignes/ That when they have planed the Lands hereby to them assigned & appoynted, That then it shalbe lawfull for them with the pryvitie & allowaunce of the President & Counsell as aforesaid to make choyce of to enter into and to haue an addition of fiftie acres more for eũy pson transported into New England with like res̃vac̃ons condic̃ons & pryviledges as are aboue graunted to be had and chosen in such place or places where no English shalbe then setled or inhabiting or haue made choyce of and the same entered into a booke of Acts at the tyme of such choyce so to be made or within tenne myles of the same (excepting on the opposite side of some great Navigable Ryver as aforesaid/ And that it shall and may be lawfull for the said John Peirce and his Associats (their heires and assignes from tyme to tyme and at all tymes hereafter for their seũall defence & savetie to encounter expulse repell & resist by force of Armes aswell by Sea as by Land and by all wayes and meanes whatsoeũ all such pson & psons as without the especiall lycense of the said President or Counsell and their succeso^{rs} or the greater p̃t of them shall attempt to inhabit within the seũall p̃sincts & lym̃ytts of their said Plantac̃on/ Or shall enterpryse or attempt at any tyme hereafter distruc̃con, Invation, detryment or annoyaunce to the said Plantac̃on/ And the said John Peirce and his associats and their heires & assignes do coveñnt & promyse to & with the said President & Counsell and their successo^{rs}/ That they the said John Peirce and his Associats from tyme to tyme during the said Seaven Yeeres shall make a true Certificat to the said President & Counsell & their successors from the Chief Officers of the places respectyvely of eũy pson transported & landed in New England or shipped as aforesaid to be entered by the Secretary of the said President & Counsell into a Register book for that purpose to be kept and the said John Peirce and his Associats Jointly and seũally for them their heires & assignes do coveñnt promyse & graunt to and with the said President & Counsell and their successors That the psons transported to this their p̃ticuler Plantac̃on shall apply themselves & their Labors in a large & competent manñ to the planting setling making & procuring of good & Staple com̃odyties in & vpon the said Land hereby graunted vnto them as Corne & silkgrasse hemp flaxe pitch & tarre sopeashes and potashes Yron Clapbord and other the like materialls/ In witness whereof the said President & Counsell haue to the one p̃t of p̃nte Indenture sett their seales[1] And to th' other p̃t hereof the said John Peirce in the name of himself and his said Associats haue sett to bis seale geven the day and yeeres first aboue written/.

---

[1] This word looks a little like *seale*, with a punctuation mark following it. The sense would seem to require the plural; there were originally six seals affixed to the instrument.—C. D.

Lenox
Rt Warwick
Ferd : Gorges
Hamilton
Sheffield

[On the *Verso* of the instrument is the following indorsement:]

Sealed and Delivered by my Lord Duke in the Psence of Edward Collingwood Clerk.

VIII.

EXTRACTS FROM THE CHARTER OF THE DUTCH WEST INDIA COMPANY, BY THE STATES GENERAL OF THE UNITED NETHERLANDS.

JUNE 3, 1621.

Sources.

The charter of the Dutch West India Company which was given by the High and Mighty Lords the States General, June 3/13, 1621, was on a purely commercial basis, and has been considered unfriendly to freedom. It was, however, in its terms no more of a restriction to the liberties of its subjects than other documents of that era.

The original "octroy" with amendments is, according to E. B. O'Callaghan, in the "Groat Placoat Book," or Book of Resolutions and Acts of the States, I., 566, a translation of which is in the State Library of New York; it is printed by him in "The History of New Netherland" (New York, 1848), I., Appendix A, 399-407; it is also in Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 121-123, and extracts are given in "Report of the Regents of the University of New York on the Boundaries of New York" (Albany, 1874), I., 6, 7. Various copies are found in early Dutch works.

The extracts in this collection are reprinted from the "History of New Netherland."

Text.

The States General of the United Netherlands, to all who shall see these presents or hear them read, greeting: Be it known, that We, knowing that the prosperity of these countries, and the welfare of their inhabitants, depend principally on navigation and trade, which in all former times by the said countries were carried on happily, and with a great blessing to all countries and kingdoms; and desiring that the aforesaid inhabitants should not only be preserved in their former navigation, traffic, and trade, but also that their trade may be increased as much as possible in special conformity to the treaties, alliances, leagues, and covenants, for traffic and navigation formerly made with other princes, republics, and people, which We give them to understand must be in all parts punctually kept and adhered to: And We find by experience, that without the common help, assistance, and interposition of a General Company, the people designed from hence for those parts cannot be properly protected and maintained in their great risk from pirates, extortion, and otherwise, which will happen in so very long a voyage We have, therefore, and for several other important reasons and considerations us thereunto moving, with mature deliberation of counsel, and for highly necessary causes, found it good, that the navigation, trade, and commerce, in the parts of the West Indies, and Africa, and other places hereafter described, should not henceforth be carried on any otherwise than by the common united strength of the merchants and inhabitants of these countries, and that for that end there shall be erected one General Company, which we, out of special regard to their common well-being, and to keep and preserve the inhabitants of those places in good trade and welfare, will maintain and strengthen with Our help, favor, and assistance, as far as the present state and condition of this country will admit: and, moreover, furnish them with a proper charter, and with the following privileges and exemptions, to wit: That for the term of four and twenty years, none of the natives or inhabitants of these countries shall be permitted to sail to or from the said lands, or to traffic on the coast and countries of Africa, from the Tropic of Cancer to the Cape of Good Hope, nor in the countries of America, or the West Indies, beginning at the fourth end of Terra Nova, by the Straits of Magellan, La Maire, or any other straits and passages situated thereabouts to the Straits of Anian, as well on the North Sea as the South Sea, nor on any islands situated on the one side or the other, or between both: nor in the western or southern countries, reaching, lying, and between both the meridians, from the Cape of Good Hope, in the east, to the east end of New Guinea, in the west inclusive, but in the name of this United Company of these United Netherlands. And whoever shall presume, without the consent of this company, to sail or to traffic in any of the places within the aforesaid limits granted to this company, he shall forfeit the ships and the goods which shall be found for sale upon the aforesaid coasts and lands; the which being actually seized by the aforesaid company, shall be by them kept for their own benefit and behoof. And in case such ships or goods shall be sold either in other countries or havens they may touch at, the owners and partners must be fined for the value of those ships and goods: Except only, that they who before the date of this charter, shall have sailed or been sent out of these or any other countries to any of the aforesaid coasts, shall be able to continue their trade for the sale of their goods, and come back again, or otherwise, until the expiration of their charter, if they have had any before, and not longer: Provided, that after the first of July, sixteen hundred and twenty-one, the day and time of this charter's commencing, no person shall be able to send any ships or goods to the places comprehended in this charter, although that before the date hereof, this company was not finally incorporated: but shall provide therein, as is becoming, against those who knowingly by fraud endeavor to frustrate our intention herein for the public good: Provided that the salt trade at Ponte del Re may be continued according to the conditions and instructions by Us already given, or that may be given respecting it, anything in this charter to the contrary notwithstanding.

. . . .

XLV. . . . .

charging and expressly commanding all governors, justices, officers, magistrates, and inhabitants of the aforesaid United Netherlands, that they permit the aforesaid company and managers peaceably and freely to enjoy the full effect of this charter, agreement, and privilege, without any contradiction or impeachment to the contrary. And that none may pretend ignorance hereof, We command that the contents of this charter shall be notified by publication or an advertisement, where and in such manner as is proper; for We have found it necessary for the service of this country.

Given under Our great seal, and the signature and seal of Our recorder, at the Hague, on the third day of the month of June, in the year sixteen hundred and twenty-one

Was countersigned,

J. Magnus, *Sec.*

Underneath was written,

The Ordinance of the
High and Mighty Lords
the States General.

It was subscribed,

C. AERSSEN,

And had a seal pendent, of red wax, and a string of white silk.

IX.

EXTRACTS FROM THE CHARTER OF NOVA SCOTIA TO SIR WILLIAM ALEXANDER BY JAMES I. OF ENGLAND.

SEPTEMBER 10/20, 1621.

Sources.

It has been claimed that the attention of Sir William Alexander was first directed to Nova Scotia by Claude La Tour, who had been in that country with Poutrincourt; in 1621 he was in Scotland where Sir William Alexander of Menstrie was then Secretary of State to King James. Through royal favor an extensive grant in Nova Scotia was given to Alexander, who had engaged to support La Tour in his rights established by settlement at Fort St. John's. The name Nova Scotia or "New Scotland" begins with the charter of 1621, and the western boundary, "the river commonly called by the name of Sancta Crux, and to the remotest source or fountain" has served as the basis of negotiations under different treaties.

The Latin text of the original charter is recorded in the "Great Seal Register," from which source it has been reprinted many times; the earliest is in a compendium by Samuel Purchas, "His Pilgrimes" (London, 1625), IV. 1871-72; and by Joannes de Laet, "Novus Orbis, seu

Descriptiones Indiae Occidentalis" (Batav. apud Elzeverios, 1633).

Extracts in English and French translations were printed in "Mémoires des Commissaires du Roi et ceux de sa Majesté Britannique, sur les possessions et les droits respectifs des deux Couronnes en Amerique" (Paris, 1755), II. 185-192; from which an extract was reprinted by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I. 134, 135. The text is printed in Latin in a "Statement on the Part of the United States of the Case Referred in Pursuance of the Convention of 1827," Appendix X. 74-82; by Sir Thomas Christopher Banks, "Copies and Translations of the Royal Charters (Confirmed in Parliament) . . . . to the Right Honorable Sir William Alexander, Knight" (London, 1831), 1-9, with an English translation by "a Gentleman in London," 25-34; also by the same, "Baronia Anglica Concentrata," II. The Charter is printed entire from the "Great Seal Register" in "A Narrative of Law Proceedings," with an English translation (Edinburgh, 1836); also by the Bannatyne Club, David Laing, editor, "Royal Letters, Charters and Tracts, Relating to the Colonization of New Scotland, Etc., 1621-1638" (Edinburgh, 1867), 3-15. A translation of the Latin transcript of the Bannatyne Club was made by Rev. Carlos Slafter of Dedham, and printed by Edmund F. Slafter, editor, "Sir William Alexander and American Colonization" (Prince Society, 1873), 127-148; a translation is reprinted from John Palairet, "Description of English and French Possessions in North America," by William D. Williamson, "The History of the State of Maine" (Hallowell, 1832), I. Appendix 2, 655-657.

The text adopted for this compilation is the English translation printed by Sir Thomas Banks.

Text.

James, by the Grace of God, of Great Britain, France and Ireland, King &c., and Defender of the Faith. To all good men of all his territories, clergy and laity, greeting, Know ye, that we have always been intent on embracing every occasion which might tend to the honour and advantage of our Kingdom of Scotland, ...

for these causes, as well as on account of the faithful and acceptable service of our beloved Counsellor, Sir William Alexander, Knight to us rendered, and to be rendered, who, first of our subjects, at his own expense, endeavoured to plant this foreign colony, and sought out for colonization the divers lands circumscribed by the limits hereinafter designated. We, therefore, out of the opulence, prosperity, and peace of our natural subjects of our said Kingdom of Scotland, as other foreign princes have heretofore done in such cases, with the advice and consent of our right well-beloved Cousin and Counsellor, John, Earl of Mar, Lord Erskyn and Gareoch, &c., our High Treasurer, Comptroller, Collector, and Treasurer, of our new augmentations of this our kingdom of Scotland, and of the other Lords, our Commissioners, of the same our kingdom, have given, granted, and disposed, and, by the tenor of our present Charter, do give, grant, and dispose to the aforesaid Sir William Alexander, his heirs or assigns, whomsoever, hereditarily, all and singular the lands, continents, and islands, situate and lying in America, within the cape or promontory, commonly called Cap de Sable, lying near the latitude of forty-three degrees, or thereabout, from the equinoctial line, northward, from which promontory, toward the coast, verging to the west, to the harbour of Sancta Maria, commonly called Sanctmareis Bay, and thence northward, traversing, by a right line, the entrance, or mouth of that great naval station which runs out into the eastern tract of the land between the countries of the Suriqui and Steehimini, commonly called Surequois and Stechimines, to the river commonly called by the name of Sancta Crux, and to the remotest source or fountain on the western side of the same, which first discharges itself into the aforesaid river, and thence, by an imaginary right line, which might be conceived to proceed through the land, or to run northward to the nearest naval station, river, or source, discharging itself into the great river of Canada, and proceeding from it by the sea shores of the same river of Canada, eastward to the river, naval station, port, or shore, commonly known and called by the name of Gathepe, or Gaspie, and thence south eastward to the islands called Baccaloes, or Cap Britton, leaving the same islands on the right, and the gulph of the said great river of Canada, or great naval station, and the lands of Newfoundland, with the islands pertaining to the same lands, on the left, and thence to the cape or promontory of Cap Britton aforesaid, lying near the latitude of forty-five degrees, or thereabout, and from the said promontory of Cap Britton, toward the south and west to the aforesaid Cap Sable, where the circuit began, including and comprehending within the said sea coasts, and their circumferences, from sea to sea, all lands, continents, with rivers, torrents, bays, shores, islands, or seas, lying near, or within six leagues to any part of the same, on the western, northern, or eastern parts of the coasts, and precincts of the same, and on the south-east (where Cap Britton lies,) and on the southern part of the same, (where Cap de Sable is,) all seas and islands towards the south, within forty leagues of the said sea coasts of the same, including the great island, commonly called Isle de Sable, or Sablon, lying towards the Carbas, south-south-east, about thirty leagues from the said Cap Britton, in the sea, and being in the latitude of forty-four degrees, or thereabout; which lands aforesaid, in all time to come, shall enjoy the name of Nova Scotia, in America, which also the aforesaid Sir William shall divide into parts and portions, as to him may seem meet, and give names to the same, according to his pleasure: . . . .

X.

MINUTES OF THE FIRST DIVISION OF THE GREAT PATENT FOR NEW ENGLAND, BY THE GREAT COUNCIL FOR NEW ENGLAND.

JUNE 24,
JULY 4, 1622.

Sources.

Although the first division of the Great Patent for New England, June 24/July 4, 1622, was never consummated it is here given entire because it throws light on the affairs of the Great Council.

The Records of the Great Council for New England were transcribed under the direction of W. Noël Sainsbury from the notarial copy in Her Majesty's Public Record Office, London, for S. F. Haven and were published by Charles Deane, editor, in American Antiquarian Society "Proceedings," 1867. The discovery of the Carew MS. in 1875 furnished means of verification of certain portions which Mr. Sainsbury made use of for a careful revision of his earlier transcript. Mr. Sainsbury's work as editor of "Calendar of State Papers" is so accurate that his text is uniformly adopted in this collection in preference to the work of other transcribers.

The First Division of the Patent was also published from the copy in the Public Record Office by John Alfred Poor, "A Vindication of Sir Ferdinando Gorges," (New York, 1862), Appendix D, 123, 124.

Text.

Minutes of the Council of New England Wednesday ye 24th of July 1622. The Earle of Arundell. Sr. Ferd: Gorges. Mr. Secretary Calvert. Sr. Sam^{l} Argall.

It is ordered and agreed that the Lord Duke of Lenox have for his devident and part of the Mayne Land of New England in America, from ye middle of Sawahquatock towards Sagadahoc, and his bounds that way to reach mid way betweene Sawahquatock and Sagadahoc upon ye Coast. And to reach 30 miles backward into ye Mayne. And 3 Leagues into ye sea.

Lord Dukes Devition

Mr. Secretary Calvert to begin his devident y^{e} middle of Sagadahoc and to goe close to y^{e} Lord Duke his bounds. And to have further into his devident the Island called by ye name of Setquin.

Mr Secretary Calverts Devedent.

The Earle of Arundele to have for his devident from ye middle of Sagadahoc, and to goe northeast soe much on his side, as Mr. Secretary goes on y^{e} other side upon y^{e} Coast. And to reach miles backward into ye Mayne, and 3 leagues into ye Sea. And to have furter into his Devident y^{e} Iland called Menehigan.

The Earl of Arundles Devidt

It is propounded that ye Tenure in ye grand pattent is thought meet to bee held of ye Crowne of England by ye sword.

Tenure of the grand pattent

And that private Planters shall hold of the Chamber of State to bee established there, and shall have power to create their owner Tenures to such as shall hold under them.

Tenure of private planters.

The Country to be called Nova Albion. That there may bee power given in the grand pattent to create Titles of Honour and precedency soe as ye differ in nominacon from the titles used heere in England.

Nova Albion

M^{r}. Rattcliffe is sent for by a Messinger of the Chamber to attend Earle of Arundell, to

Touching of the staying of the Timber.

morrow by two of ye clock, touching Timber stayd by his appointment in ye woods at Whiteby.

Two Islands reserved for publike plantacon.

It is thought meet that the two great Islands lying in ye river of Sagadahoc bee reserved for the publike plantacon.

A place for the publike Citty.

Further that a place bee reserved betweene the branches of the two rivers for a publike Citty.

Touching ye renewing of the pattent.

Mr Thompson is appointed to attend the Lords for a Warrant to Mr Attorney generall for drawing ye new Pattents, and Sr Henry Spilman is desired to attend Mr Attorney thereabouts.

The Lord Dukes and ye Earle of Arundells devidents, sett down by Sr Ferd: Gorges upon view of ye mapps.

The Lord Dukes Devident.

The Lord Duke of Lenox is to have for a part of his Devident of ye lands in New England, from the midst of the river called Sawahquatock 15 English Miles in a straight line upon the sea coast, to ye Eastward of ye River. And 30 English miles backward of all the breadth afore-sd upp into the Mayne Land, North or North and by west, as ye Coast and River of Sawahquatock lyeth, accounting 1760 yards to every mile, with all ye fishings, Bayes, Havens, Harbours and Islands lyeing or being within 9 miles directly into ye sea (Excepting such Island, as are allready granted etc. All lyeing betweene the degrees of 43 and 44 etc.)

The Earl of Arundell to have for a part of his devident from ye Southermost poynt of Pethippscott East 12 Miles in a straight lyne as the coast lyeth on ye sea shoare. And 30 miles by all that breadth upp into the Mane Land due North, accounting 1760 yards to every mile, with all ye Fishings, Havens, Islands, etc. Lying and being within 9 miles directly into the sea, etc. Together with ye Islands of Menehiggan etc. All lyeing betweene the Degrees of 43 & 44.

The Earle of Arundles Devidt.

XI.

GRANT OF THE PROVINCE OF MAINE BY THE GREAT COUNCIL OF NEW ENGLAND.

AUGUST 10/20, 1622.

Sources.

The original grant of the Province of Maine to Sir Ferdinando Gorges, and John Mason, Esq., August 10/20, 1622, is in the "Colonial Entry Book," 59, 101-108, Public Record Office, London.

The text adopted is that of John Alfred Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (New York, 1862), Appendix D, 121-123, which is a transcript of the original record and is the source of all other reprints.

His text has been copied by Nathaniel Bouton, D.D., "Documents and Records Relating to the Province of New Hampshire. Provincial Papers" (Concord, 1867), 1, 10-15. It is also found in John Ward Dean, editor, "Capt. John Mason, the Founder of New Hampshire" (Prince Society, 1887), 121-123.

It is interesting to note that the name "Province of Maine" is first used in this document, and was inserted from that source in the royal charter issued in 1639 to Gorges; otherwise the grant of 1622 had little influence on Maine history, although some of the early historians evidently confused it with the Laconia grant of November 17/27, 1629.

Text.

This Indenture made the 10th day of August Anno Dom: 1622, & in the 20th yeare of the Reigne of our Sovereigne Lord Iames by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith &ca, Betweene the President and & Councell of New England on ye one part, & Sr Ferdinando Gorges of London, Knight, and Captaine Iohn Mason of London Esquire on ye other part Wittnesseth that whereas our said Sovereigne Lord King Iames for the makeing a Plantacon & establishing a Colony or Colonyes in ye country called or knowne by ye name of New England in America hath by his Highness Letters Patents under the great Seale of England bearing date at Westmr: the 3d day of November in the 18th yeare of his Reigne given granted and confirmed vnto the Right Honorable Lodowick Duke of Lenox George Marquiss of Buckingham, James Marquiss Hamilton, Thomas Earle of Arundell, Robert Earle of Warwick, Sr Ferdinando Gorges Knt and diverse others whose names are expressed in ye said Letters Patents, their successors and assignes that they shalbe one Body Politique and Corporate perpetuall and that they should have perpetuall Succession & one Comon Seale or Seales to serve for the said Body and that they and their Successors shalbe knowne called and incorporated by the name of the President & Councill established at Plymouth in the County of Devon for the planting ruling and governing of New England in America. And also hath of his especiall grace certaine knowledge and meer motion for him his heyres and successors: & given granted and confirmed vnto the said President and Councill and their Successors under the reservacons, limitacons and declaracons in the said

Letters Patents expressed. All that part or porcon of that country now comonly called New England w^{ch} is situate lying and being between the Latitude of 40 and 48 Degrees northerly Latitude together wth the Seas and Islands lying wth in one hundred miles of any part of the said Coasts of the Country aforesaid and also all y^{e} Lands, Soyle, grounds, havens, ports, rivers, mines as well Royal mines of Gold and Silver as other mines minerals pearls and pretious stones woods, quaryes, marshes, waters fishings hunting, hawking fowling comodities and hereditaments whatsoever together wth all prerogatives jurisdictions royaltys privileges franchises and prehemineences within any of the said Territoryes and precincts thereof whatsoever. To have hold possess and enjoy all and singular the said lands and premises in the said Letters Patent granted or menconed to bee granted unto y^{e} said President and Councill their Successo^{rs} and assignes for ever to be holden of his Ma^{ty} his heyres and successo^{rs} as of his highness Mano^{r} of East Greenwich in the County of Kent in free and common Soccage and not in capite or by Kn^{ts} service — Yeilding & paying to the King's Ma^{tie} his heyers and successo^{rs} the one fifth part of all Gold and Silver oare that from time to time and att all times from the date of the said Letters Patents shall be there gotten had or obtayned for all services dutyes or demands as in & by his highnes said Letters Pattents amongst other divers things therein contayned more fully and at large it doth appeare. And whereas the said President & Councill have upon mature deliberacon thought fitt for the better furnishing and furtherance of the Plantacon in those parts to appropriate and allot to severall and particuler persons diverse parcells of Lands within the precincts of the aforesaid granted p^{r}misses by his Ma^{ts} said Letters Patents. Now this Indenture witnesseth that ye s^{d} President and Councill of their full free and mutuall consent as well to the end that all the Lands, woods, lakes, rivers, waters, Islands and fishings wth all other the Traffiques proffits & comodityes whatsoever to them or any of them belonging and hereafter in these presents menconed may be wholly and intirely invested appropriated severed and settled in and upon y^{e} said S^{r} Ferdinando Gorges & Cap^{t} Iohn Mason their heyres and assignes for ever as for diverse speciall services for the advancem^{t} of the s^{d} Plantacons and other good and sufficient causes and consideracons them especially thereunto moveing have given granted bargained sould assigned aliened sett over enfeoffed & confirmed — And by these presents doe give grant bargaine sell assigne alien sett over and confirme unto y^{e} s^{d} S^{r} Ferdinando Gorges & Cap^{t} Iohn Mason their heirs and assignes all that part of y^{e} maine land in New England lying vpon y^{e} Sea Coast betwixt y^{e} rivers of Merimack & Sagadahock and to y^{e} furthest heads of y^{e} said Rivers and soe forwards up into the land westward untill threescore miles be finished from y^{e} first entrance of the aforesaid rivers and half way over that is to say to the midst of the said two rivers w^{ch} bounds and limitts the lands aforesaid togeather wth all Islands and Isletts wth in five leagues distance of ye premisses and abutting vpon y^{e} same or any part or parcell thereoff. As also all the lands, soyle, grounds, havens, ports, rivers, mines, mineralls, pearls, pretious stones woods quarreys marshes waters fishings hunting hawking fowling and other comodityes and hereditam^{ts} whatsoever wth all and singular their apurtenances together wth all prerogatives rights royaltyes jurisdictions privileges franchises libertyes preheminences marine power in and vpon y^{e} said seas and rivers as alsoe all escheats and casualtyes thereof as flotson jetson lagon wth anchorage and other such dutyes immunityes sects isletts and apurtenances whatsoever wth all ye estate right title interest claime and demands whatsoever w^{ch} y^{e} said President and Councell and their successo^{rs} of right ought to have or claime in or to y^{e} said porcons of lands rivers and other y^{e} premisses as is aforesaid by reason or force of his highnes said Letters Patents in as free large ample and beneficiall maner to all intents constructions and purposes whatsoever as in and by the said Letters Patents y^{e} same are among other things granted to y^{e} said President and Councell afores^{d} Except two fifths of y^{e} oare of Gold and Silver in these pnts hereafter expressed w^{ch} said porcons of lands wth y^{e} appurtenances the said S^{r} Ferdinando Gorges and Capt Iohn Mason wth the consent of y^{e} President & Councell intend to name y^{e} PROVINCE OF MAINE To have and to hould all the said porcons of land, Islands rivers and premises as aforesaid and all and singler other y^{e} comodytyes and hereditam^{ts} hereby given granted aliened enfeoffed and confirmed or menconed or intended by these presents to be given aliened enfeoffed and confirmed or menconed or intended by these presents to be given granted aliened enfeoffed and confirmed wth all and singuler y^{e} appurtences and every part and parcell thereof unto y^{e} said S^{r} Ferdinando Gorges and Capt Iohn Mason their heyres and assignes for ever, to be holden of his said Ma^{ties} his heyres and successo^{rs} as of his Highnes Mano^{r} of East Greenwich in ye County of Kent in free and common Soccage and not in capite or by Kn^{ts} service. Neverthelesse wth such exceptions reservacons limitacons and declaracons as in y^{e} said Letters Patents are at large expressed yeilding & paying unto our Soveraigne Lord the King his heyres & successo^{rs} the fifth part of all y^{e} oare of gold and silver that from time to time and att all times hereafter shall be there gotten had and obtayned for all services dutyes and demands. And alsoe yielding and paying unto the said President and Councill and their Successors yerely the sum of Tenn shillings English money if it be demanded. And the said President and Councill for them and their

Successo^{rs} doe covenant and grant to and wth the said S^{r} Ferdinando Gorges and Capt. Iohn Mason ther heires and assignes from and after the ensealing and delivery of these presents according to y^{e} purport true intent and meaning of these presents that they shall from henceforth from time to time for ever peaceably and quietly have hold possess and enjoye all y^{e} aforesaid Lands Islands rivers and premises wth y^{e} appurtenances hereby before given and granted or menconed or intended to be hereby given and granted and every part & parcell thereof wth out any lett disturbance denyall trouble interrupcon or evicon of or by y^{e} said President and Councill or any person or persons whatsoever claiming by from or under them or their successo^{rs} or by or under their estate right title or Interest. And y^{e} said President and Councill for them and their Successo^{rs} doe further Covenant and grant to & wth y^{e} said S^{r} Ferdinando Gorges & Capt. Iohn Mason their heyres and assignes by these presents that they y^{e} said President and Councill shall at all times hereafter vpon reasonable request at y^{e} only proper cost and charges in the Law of y^{e} said S^{r} Ferdinando Gorges & Capt. Iohn Mason their heyres and assignes doe make performe suffer execute and willingly consent unto any further act or acts conveyance or conveyances assurance or assurances whatsoever for y^{e} good and perfect investing assuring and conveying and sure making of all the aforesaid porcons of Lands Islands rivers and all and singuler their appurtences to y^{e} said S^{r} Ferdinando Gorges and Capt. Iohn Mason their heyres and assignes as by them their heyres and assignes or by his their or any of their Councill learned in y^{e} Law shall bee devised advised or required. And further it is agreed by and between the said partyes to these presents and y^{e} said S^{r} Ferdinando Gorges and Captaine Iohn Mason for them their heyres executors administrators and assignes doe covenant to and wth y^{e} said President and Councill and their successo^{rs} by these presents that if at any time hereafter there shall be found any oare of gold and silver within y^{e} ground in any part of y^{e} said premises that then they y^{e} said S^{r} Ferdinando Gorges and Capt. Iohn Mason their heyres and assignes shall yield & pay vnto y^{e} said President and Councill their successo^{rs} and assignes one fifth part of all such gold and silver oare as shall be found within and vpon y^{e} premises and digged and brought above ground to be delivered above ground & that always within reasonable and convenient time if it be demanded after y^{e} finding getting and digging vp of such oare as aforesaid wthout fraud or covin and according to y^{e} true intent and meaning of these Presents. And y^{e} s^{d} S^{r} Ferdinando Gorges and Capt. Iohn Mason doe further covenant for them their heyres and assignes that they will establish such government in y^{e} s^{d} porcons of lands and Islands granted unto them and y^{e} same will from time to time continue as shall be agreeable as nere as may be to y^{e} Laws and Customs of y^{e} realme of England, and if they shall be charged at any time to have neglected their duty therein that then they will reforme the same according to y^{e} directions of the President and Councill or in defaulte thereof it shall be lawfull for any of y^{e} agrieved inhabitants or planters being tenn^{ts} vpon y^{e} said Lands to appeale to y^{e} Chief Courts of Justices of y^{e} President and Councill. And y^{e} s^{d} S^{r} Ferdinando Gorges and Capt. Iohn Mason doe covenant and grant to and wth y^{e} said President and Councill their successo^{rs} & assignes by these presents, that they y^{e} said S^{r} Ferdinando Gorges and Capt. Iohn Mason shall and will before y^{e} expiracon of three years to be accompted from y^{e} day of y^{e} date hereof have in or vpon the said porcons of lands or some p^{t} thereof one part with a competent guard and ten famillyes at y^{e} least of his Ma^{ties} resident and being in and vpon y^{e} same premises or in default thereof shall and will forfeite and loose to the said

President & Councill the sum of one hundred sterling money and further that if y^{e} said S^{r} Ferdinando Gorges and Capt. Iohn Mason their heyres and assignes shall at any time hereafter alien these premises or any part thereof to any forraigne nations or to any person or persons of any forraigne nation without y^{e} speciall license consent and agreement of y^{e} said President and Councill their successo^{rs} and assigns that then y^{e} part or parts of the said lands so alienated shall immediately returne back again to y^{e} use of y^{e} said President and Councill. And further know ye that y^{e} said President and Councill have made constituted deputed authorized and appointed and in their place & stead doe put Capt. Rob^{t} Gorges or in his absence to any other person that shall be their Governo^{r} or other officer to be their true and lawfull attorney and in their name and stead to enter the said porcons of Lands and other the premises wth their appurtences or into some part thereof in y^{e} name of y^{e} whole soe had and taken there for them and in their names to deliver the full and peaceable possession and seizin of all and singuler the said granted premises unto y^{e} said S^{r} Ferdinando Gorges and Capt. John Mason or to their certaine attorney or attorneys in that behalf according to y^{e} true intent and meaning of these presents, ratifying confirming all and allowing and whatsoever their said attorney shall doe in or about y^{e} premises by these presents. In Witnesse whereof to one part of these present Indentures remaining in the hands of S^{r} Ferdinando Gorges and Captaine John Mason the said President and Councill have caused their comon seale to be affixed and to the other of these present Indentures remaining in the custody of the said President and Councill the said S^{r} Ferdinando Gorges & Capt. John Mason have put to their hands and seales. Given y^{e} day and yeare first above written.

XII.

MEMORANDUM OF THE GRANT TO CHRISTOPHER LEVETT. BY THE GREAT COUNCIL FOR NEW ENGLAND.

MAY 5/15, 1623.

Sources.

For the grant of six thousand acres of land to Christopher Levett, by the Great Council, May 5/15, 1623, no documentary evidence has yet been found beyond the meager "memorandum" in the "Records of the Great Council" and in the "Calendar of State Papers," I. 45; contemporary writers, however, add a little more to our knowledge of Levett's connection with the early history of Maine. Samuel Maverick in "A Description of New England" in "New England Historical and Genealogical Register" (1885), p. 35, describes the grant in terms which are nearly identical with the memorandum of the Great Council; Edward Godfrey includes the grant (No. 15) in his "Cattalogue of Such Pattentes as I know granted for making Plantacons in New England." A fuller account is Christopher Levett's own work, "A Voyage into New England Begun in 1623, and ended in 1624" (London, 1628). The Conway Letters, transcribed from the MSS. in the Public Record Office, London, and published by the Massachusetts Historical Society, "Proceedings" XX., state that Levett was appointed "councillor" for New England; moreover, that he purposed to erect a city, which was to bear the name of his native city, York.

These, and many other facts which throw light on the history of Levett at Portland have been collected and published by James Phinney Baxter, editor, "Christopher Levett, of York, the Pioneer Colonist in Casco Bay," Gorges Society (Portland, 1893).

Political circumstances prevented the success of Levett's plans, and House Island in Casco Bay, where he built a house in 1624 was the only part of the grant which he occupied. There is, however, no doubt but Levett was the first English owner of the soil where George Cleeve founded Falmouth on the site of the present city of Portland.

Maverick says Levett's patent was purchased by the Company of Plymouth Adventurers, in $\genfrac{}{}{0pt}{}{\text{January 27}}{\text{February 6}}$, $163\frac{6}{7}$; after the final division of the Great Patent Gorges conveyed the territory by deed to Cleeve and Tucker, "York Deeds," I, Part II, fol. 4, by whom it was held notwithstanding various controversies.

The brief memorandum here printed is from the text of W. Noel Sainsbury, "Records of the Great Council," Charles Deane, editor, American Antiquarian Society, "Proceedings," 1867, 94.

Text.

Memorand̄. . . . .

In consideracōn of a Statute given by M^{r} Christopher Levitt, Esq^{r} for £110, to bee a principall pattentee, *Prout* p^{r} Statute, It is ordered that a grant bee made unto M^{r} Levitt for 6000 Acres of Land, *prout*, &c. This grant was drawne by S^{r} Henry Spelman and signed *prout*, &c.

XIII.

SECOND DIVISION OF THE PATTENT FOR NEW ENGLAND BY THE GREAT COUNCIL FOR NEW ENGLAND.

$\genfrac{}{}{0pt}{}{\text{June 29,}}{\text{July 9,}}$ 1623

Sources.

The second division of the Great Patent of New England was made at Whitehall, in the King's presence, Sunday, $\genfrac{}{}{0pt}{}{\text{June 29}}{\text{July 9}}$, 1623. The records of the Great Council state, "for that some of the adventurers excuse their non-payment in of their adventures because they know not their shares for which they are to pay, which much prejudiceth the proceedings, it is thought that the land be divided" . . . . .

The division was never consummated but it has a geographical importance in connection with the early maps of New England where the divisions were marked according to the lots. The records say that the territory was "divided according as the division is made in the plot remaining with Dr. Goche."

Capt. John Smith "Generall Historie" (1624), says New England was "at last engrossed by twenty patentees, that divided my map into twenty parts and cast lots for their shares." Sir William Alexander first published the map of New England with the portions and names of the proprietors. Lescarbot had published a map in 1612 which Sir William Alexander's more nearly resembles than Smith's; his own, however, is more accurate, Sir William Alexander, "Encouragement to Colonies" (London, 1624); and in 1630 under a new title-page, but the same impression, "The Map and Description of New England."

The map entire or in part has been many times reprinted, first, in part by Samuel Purchas, "His Pilgrimes" (London, 1624), 1876; entire by John Wingate Thornton, "The Landing at Cape Ann" (Boston, 1854); by Samuel G. Drake, "Founders of New England" (Boston); David Laing, editor, "Royal Letters, Charters and Tracts" (Edinburgh, 1867); Prince Society Publications, Edmund F. Slafter, editor, "Sir William Alexander and American Colonization," heliotype facsimile, and elsewhere.

For the division itself the records for the day of drawing the lots were missing from the rolls in the Public Record Office, but were supplied by Mr. Sainsbury in 1875 from the newly discovered Carew MS., now believed to be the original records of the Great Council for New England.

The text adopted is that made under the direction of Mr. Sainsbury.

Text.

Att Greenwich.

Sundaie 29° Junii 1623[1]

There were presented to the Kings most excellent Ma^{tie} a Plott of all the coasts and lands of New England, devided into twenty parts each part conteyning two shares, And twenty lotts conteyning the said double shares make upp in little bales of wax, and the names of twenty Pattentees by whom these lots were to be drawne. And for that the Lord Duke of Buckingham was then absent, his Ma^{tie} was gratiously pleased to drawe the first lott in his Graces behalf, which conteyned the eight number or share. And the rest of the lotts were drawne as followeth:

---

[1] Proceedings American Antiquarian Society, 1867, 96; cf. do. 1875, 49; properly June 28, Saturday.

The Lord Duke of Richmond for himself the number of	6
The Earl of Arundle and Surrey	20
For the Lord Keep. drawne by His Ma^{tie}	17
The Earl of Middlesex	13
The Earl of Warwick	7
The Earl of Holdernes	14
The Earl of Carlile	18
For the Lord Sheffield, drawne by Sir John Bouchier	12
For the Lord Gorges drawne by the Kinges Ma^{tie}	3
For Sir Robert Mansell drawne by Sir Samuell Argall	15
Sir Ferdinando Gorges	19
Sir Alleyn Apsley	10
For Sir Henry Spelman drawne by the Lord Duke of Richmond	11
Sir Samuell Argall	2
Sir William Bellasys	16
Doctor Barnabe Goche	1
For Doctor Matthewe Sutcliffe drawne by Doctor Goche	4
For Cap^{t} Thomas Love drawne by Sir Sam Argall	9
For M^{r} Abraham Jenings drawne by Sir Sam. Argall	5
[The Lord Duke of Buckingham drawn by his Ma^{tie} as above]	8

XIV.

EXTRACTS FROM THE NOVODAMUS CHARTER OF NOVA SCOTIA BY CHARLES I. OF ENGLAND.

July 12/22, 1625.

Sources.

The so-called Novodamus Charter of Nova Scotia, issued to Sir William Alexander by Charles I., July 12/22, 1625, is little more than a confirmation of the charter of James I., September 10/20, 1621. The boundaries of territories which were reaffirmed in nearly the same terms as the previous grants are here omitted. The preamble, which gives a good idea of the motives for encouraging colonization is inserted, also the novodamus clause which incorporates Nova Scotia with Scotland for the purpose of seisin. The charter was expressly designed to secure all rights and privilege which had become void through "non-entry."

The original text of the Novodamus Charter is in the "Great Seal Register," from which it was transcribed for Sir Thomas Christopher Banks, "Copies and Translations of the Royal Charters, (confirmed in Parliament) . . . . . to the Right Honorable Sir William Alexander, Knight" (London, 1831), 11-23, translated "by a professional gentleman of Scotland," 5-18; by the same also, "Baronia Anglica Concentrata, II.; again from the "Great Seal Register," "A Narrative of Law Proceedings" (Edinburgh, 1836), with an English translation in the appendix, which has been reprinted by Edmund F. Slafter, editor, "Sir William Alexander and American Colonization" (Prince Society, 1873), 217-231; and by the Bannatyne Club, David Laing, editor, "Royal Letters, Charters, and Tracts, Relating to the Colonization of New Scotland, &c. . . 1621-1638" (Edinburgh, 1867), 27-45. An extract from the Novodamus Charter was printed from the records in the Plantation Office, Whitehall, with a French translation also, in "Mémoires des Commissaires du Roi et ceux de sa Majesté Britannique, sur les possessions et les droits respectifs des deux Couronnes en Amérique" (Paris, 1755), II., 226-275; reprinted by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 206-224.

The text from which these extracts are reprinted is the translation used by Banks.

Text.

Charles, by the Grace of God, King of Great Britain, France, and Ireland, and Defender of the faith. To all good men of his whole land, clergy and laity, Greeting. Know y that we have always been intent to embrace every occasion that might tend to the honour and profit of our kingdom of Scotland, and have been of opinion that there is no acquisition either easier or more unprejudicial than what may be made by conducting new colonies into foreign and uncultivated realms, where conveniences for life and food are sufficient, especially if either those realms were before destitute of cultivators, or were settled in by Infidels, whom it is of the greatest concern that they be converted to the Christian faith, to the glory of God; but when both some other kingdoms, and not long since, this our (kingdom of) England, have laudably imposed their names on new lands, acquired and subdued by them, considering how numerous and dense this people, by the Divine blessing, at this time, are, and how they may be diligently exercised in any honourable and useful employment, lest, from sloth and indolence, they decline into worse, it may be expedient, and we have reckoned it an object of estimation, that many of them should be conducted into a new country, which they may fill with colonies, who, both by readiness and alacrity of mind, and by strength and ability of body, may dare to oppose themselves to whatsoever difficulties beset other mortals any where. We thence judge this undertaking to be exceedingly suitable to this kingdom, which calls for the transportation of men only,

and women, beasts of burthen, and corn; not so of money; and may not make a disadvantageous return for the merchandize of the kingdom itself, at this time, when trade is so diminished. For these causes, namely, and on account of the faithful and grateful service rendered, and to be rendered to us by our well-beloved Councillor, Sir William Alexander Knight, who, at his own expenses, the first of those of our country, undertook the conducting of this foreign colony, and sought out divers lands, circumscribed within particular designed limits, to be inhabited, We, therefore, of our royal care for the propagating of the Christian religion, and for promoting the opulence, prosperity, and peace of our natural subjects of our said kingdom of Scotland, as other foreign princes in the like cases heretofore have done, with advice and consent of our well-beloved Cousin and Councillor, John, Earl of Mar, Lord Erskyn and Garenoch, &c. our High Treasurer, Comptroller, Collector, and Treasurer of our new augmentations of this our kingdom of Scotland, and the remanent Lords our Commissioners of our said kingdom, have given, granted and disponed, and by our present charter give, grant, and dispone to the aforesaid Sir William Alexander, his heirs and assignees whatsoever heritably, all and sundry continents and islands, situate and lying in America . . . .
. . . . And seeing by reason of the greart remoteness and distance of the said country and lordship of Nova Scotia, from our said ancient kingdom of Scotland, both that the said country can neither easily nor conveniently be reached except in the summer time; and that the said country is altogether destitute of public scriveners and notaries, requisite for taking seisins, so that seisin, at all times, cannot conveniently be taken on the ground of the said country; and also, respect being had to the great and

manifold disadvantages which may result, by default, of timely seisin being taken upon this present Patent, and upon other Charters, and similar infeftments granted, and to be granted, of the foresaid lands and lordship of Nova Scotia, or any part thereof: Therefore that this, our present Charter, may be more effectual, and that seisin thereup may be more conveniently taken, it is necessary, that seisin of all and sundry the foresaid lands, of the said country and lordship of Nova Scotia, be taken within our said kingdom of Scotland, and on the grounds and lands of the same, in the most eminent place`thereof, which can neither conveniently nor lawfully be done without an express union of the said country and lordship of Nova Scotia to the said kingdom of Scotland: Wherefore, and for the advantage and readier convenience of the aforesaid seisin, we with advice foresaid, have annexed, united, and incorporated, and, by our present Charter, unite, annex, and incorporate with our said kingdom of Scotland all and sundry the foresaid country and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, and all and sundry parts, pertinents, privileges, jurisdictions, and liberties of the same, and others generally and specially above mentioned; and, by our present Charter, will, declare, decern, and ordain, that one seisin, now to be taken at our Castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, of all and sundry the said lands, country and lordship of Nova Scotia, or any part of the same, with the teinds and teind sheaves thereof, included, respectively, is, and shall be sufficient seisin for all and whole the foresaid lands, country and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, or any part of the said lands and country aforesaid, and all the privileges, jurisdictions, and liberties thereof respectively, and others specially and generally above mentioned, notwithstanding the said lands, country, and lordship of Nova Scotia, are far distant and lie discontiguous from our said kingdom of Scotland; . . . .

XV.

BROWN DEED AT PEMAQUID BY SAMOSET AND UNONGOIT, SAGAMORES.

JULY 15/25, 1625.

Sources.

For the deed of land at Pemaquid to John Brown, by Captain John Somerset [Samoset] and Unongoit, Sagamores, July 15/25, 1625, the best text is undoubtedly found in a somewhat rare pamphlet in the Massachusetts State Library, entitled "An Order of Both Branches of the Legislature of Massachusetts to Appoint Commissioners to Investigate the Causes of the Difficulties in the County of Lincoln; and the Report of the Commissioners Thereon, with the Documents in Support Thereof" (Boston, 1811), 106, 107. A reprint of that text is found in John Wingate Thornton, "Ancient Pemaquid, An Historical Review," in "Maine Historical Society Collections," V., 191; also separately printed (Portland, 1857), 59, 60. Mr. Thornton says that the acknowledgment before Mr. Shurt entitles him to be considered "the father of American conveyancing." Another reprint is in John Johnston, "A History of the Towns of Bristol and Bremen in the State of Maine, Including the Pemaquid Settlement" (Albany, 1873), 54, 55.

The deed was recorded at Charlestown, December 26, 1720; in York County, August 3, 1739; and in Lincoln County, Lib. 74, fol. 6, June 12, 1810.

Text.

To all people whom it may concern. Know ye, that I Captain John Somerset and Unongoit, Indian sagamores, they being the proper heirs to all the lands on both sides of Muscongus river, have bargained and sould to John Brown, of New-Harbour, this certain tract or parcell of land as followeth, that is to say, beginning at Pemaquid Falls and so running a direct course to the head of New-Harbour, from thence to the south end of Muscongus Island, taking in the island, and so running five and twenty miles into the country north and by east, and thence eight miles north-west and by west, to Pemaquid, where first begun — To all which lands above bounded, the said Captain John Somerset and Unnongoit, Indian sagamores, have granted and made over to the above said John Brown, of New-Harbour, in and for consideration of fifty skins, to us in hand paid, to our full satisfaction, for the above mentioned lands, and we the above said Indian sagamores, do bind ourselves and our heirs forever, to defend the above said John Brown and his heirs in the quiet and peaceable possession of the above said lands. In witness whereunto, I the said Captain John Somerset and Unnongoit, have set our hands and seals, this fifteenth day of July, in the year of our Lord God, one thousand six hundred and twenty-five.

Captain John Somerset, (his mark and a seal.)
Unnongoit, (his mark and a seal.)

Signed and Sealed in
presence of us,
Matthew Newman,
William Cox.

July 24, 1626. Captain John Somerset and Unnongoit, Indian sagamores, personally appeared, and acknowledged this instrument to be their act and deed, at Pemaquid, before me.

Abraham Shurt.

XVI.

EXTRACTS FROM THE CHARTER OF CANADA TO SIR WILLIAM ALEXANDER, BY CHARLES I. OF ENGLAND.

FEBRUARY 2/12, 1628/9.

Sources.

The charter in favor of Sir William Alexander "of the Country and Lordship of Canada in America," which was issued by Charles I. of England, February 2/12, 1628/9, extended the bounds of his territory to the Gulf of California, with full and absolute power of jurisdiction. The original Latin text, with the other royal charters to Sir William Alexander, is in the "Great Seal Register"; from that source it was first printed in "A Narrative of Law Proceedings" (Edinburgh, 1836), with an English translation in the appendix, which was reprinted by Edmund F. Slafter, editor, "Sir William Alexander and American Colonization" (Prince Society, 1873), 239-249. It was reprinted again from the "Register" by Sir Thomas Christopher Banks, "Copies and Translations of the Royal Charters (Confirmed in Parliament) . . . to the Right Honorable Sir William Alexander Knight" (London, 1831), 1-5, with translation by a "professional gentleman in Scotland," 19-23; also by the Bannatyne Club, David Laing, editor, "Royal Letters, Charters and Tracts, Relating to the Colonization of New Scotland, etc. . . . . . 1621-1638" (Edinburgh, 1867), 46-51.

The extracts reprinted in this compilation are from the text of Sir Thomas Banks.

Text.

Charles by the Grace of God King of Great Britain, France and Ireland, and Defender of the Faith. To all good men of his whole land, clergy and laity, greeting;

Know ye, that we, being perfectly mindful by what engagement our faithful and well-beloved Councillor, Sir William Alexander of Menstrie, Knight, our Principal Secretary for our kingdom of Scotland, and Hereditary Lieutenant of our country and dominion of Nova Scotia in America, has sustained great charges and expenses in his various undertakings, in the providing of ships, engines of war, ordnance and munitions, in the conducting of colonies; as also, in exploring, settling and taking possession of the said country; and, whereby, he, and our other subjects, who alongst with him were to find a settlement in the said country, might be assisted for the further diffusion of the Christian religion, in those parts of our dominions, its propagation therein, and the expected revealing and discovery of a way or passage to those seas, which lie upon America on the west, commonly called the South Sea, from which the head, or source of that Great River or Gulf of Canada, or some river flowing into it, is deemed to be not far distant; and since by the example already exhibited by the said Sir William in the exploring and settling of the said country of Nova Scotia terminating at the foresaid Gulf and River Canada, he has proposed establishments by him in those parts of the plantation which seem to be favourable to the propagation of the said religion, and tending only to the great honour and profit of our ancient kingdom of Scotland, whence it may come to pass that the said colonies to be planted by him and his successors, may by this means in process of time discover the foresaid way or passage to the said seas, much hitherto, for very weighty considerations, desired and so often by various persons undertaken. Therefore, and for exciting the more earnest resolutions of the said Sir William, his heirs, assignees, portioners and associates, to further progress in such and so great an enterprise, we . . . . have given, granted and disponed, and by our present charter, give, grant, and dispone to the foresaid Sir William Alexander, his heirs and assignees, heritably, for ever, all and sundry islands within the Gulf of Canada, lying between Nova Scotia and Newfoundland, at the mouth and entrance of the great river Canada aforesaid, where it falls and enters into the said Gulf (including therein the great island Anticosti). Also we have given, granted, and disponed, and by our present charter, give, grant, and dispone to the beforenamed Sir William Alexander, all and sundry islands, lying within the said river Canada, from the said mouth and entrance, up to the head, fountain and source thereof, wheresoever it be, or the lake whence it flows (which is thought to be towards the Gulf of California, called by some the Vermilion Sea,) or within any other rivers flowing into the said river Canada, or in whatsoever lakes, waters, or arms of the sea, through which either the said great river Canada, or in whatsoever lakes, waters, or arms of the sea, through which either the said great river Canada, or any of the said other rivers pass, or in which they discharge themselves. And further we have given and granted, and by our present charter, give and grant to the foresaid Sir William, and his foresaids, fifty leagues of bounds on both sides of the foresaid river Canada, from the said mouth and entrance, to the said head, fountain, and source thereof; also on both sides of the said other rivers flowing into the same; as also on both sides of the said lakes, arms of the sea, or waters through which any of the said rivers have their course, or in which they terminate; and in like manner we have given and granted, and, by our present charter, give and grant to the foresaid Sir William Alexander, and his foresaids, all and whole the bounds and passages, as well in waters as on land, from the foresaid head, fountain or source of (the river) Canada, wheresoever it is, or from whatsoever lake it flows, down to the foresaid Gulf of California, whatsoever the distance shall be found to be, with fifty leagues altogether on both sides of the said passage, before the said head of (the river) Canada, and Gulf of California; and likewise all and sundry islands lying within the said Gulf of California; as also, all and whole the lands and bounds adjacent to the said Gulf, on the West and South, whether they be found a part of the continent or main land, or an island (as it is thought they are) which is commonly called and distinguished by the name of California. Moreover we have given and granted, and by our present charter, give and grant, and for us and our successors, with advice and consent foresaid, perpetually confirm to the foresaid Sir William Alexander, his heirs and assignees whatsoever, heritably, all and sundry other lands bounds, &c. . . . . that shall be found conquered or discovered at any further time by him or his successors, their partners, associates, or others in their name, or having power from them, upon both sides of the whole bounds and passages foresaid, from the mouth and entrance of the said river Canada, where it discharges itself into the said Gulf of Canada, to the said Gulf of California, or the islands in the seas thereto adjacent, which are not yet really and actually possessed by others, our subjects, or the subjects of any other Christian Prince, or constituted Orders in alliance and friendship with us, with full and absolute power to him the said Sir William Alexander, and his foresaids, (and to no others,) their stewards, &c. . . .

XVII.

EXTRACTS FROM THE CHARTER OF MASSACHUSETTS BAY, BY CHARLES I. OF ENGLAND.

March 4/14, 1628/9.

Sources.

The Charter of Massachusetts Bay, sometimes called the "Colony Charter," was issued by Charles I. to the Governor and Company of the Massachusetts Bay in New England, March 4/14, 1628/9.

The charter was brought to Massachusetts by Governor Winthrop in 1630, and is now in the custody of the Secretary of State for Massachusetts. John Endicott had brought with him to Salem in 1629 a duplicate charter which is in the Salem Athenæum. An engrossed copy on a parchment roll is in the Public Record Office, London. A transcript was prefixed to the "Records of the Governor and Company of the Massachusetts Bay in New England," and is in the printed edition (Boston, 1854), I., 3-20.

The first printed copy was made from a "dupl. parchment" by "S. Green for Benj. Harris, at the London Coffee House, near the Town House in 1689." As but few MS. copies existed Governor Hutchinson feared the charter might be irrecoverably lost, accordingly he printed it, from a copy attested by Governor Winthrop, in "A Collection of Original Papers, Relative to the History of the Colony of Massachusetts Bay" (Boston, 1769), 1-23. Another early text is by John Almon, "The Charters of the British Colonies in America" (London, 1775), 48-66. A reprint of the Maduit copy is in "Masere Papers," "Occasional Essays on Various Subjects, Chiefly Political and Historical" (London, 1809), 65-92. It is in Ben; Perley Poore, "The Federal and State Constitutions, Colonial Charters and Other Original Laws of the United States of America" (Washington, 1877), 932-942. The directors of Old South work have printed the charter entire in "Old South Leaflets" General Series, No. 7. A heliotype of one section of the original parchment is in the "Memorial History of Boston," I., 329.

By a liberal interpretation of the northern limits of the colony, the Province of Maine fell under the jurisdiction of Massachusetts, after the death of Sir Ferdinando Gorges; extracts relative to the bounds of Massachusetts Bay are accordingly included in this compilation from the "Massachusetts Records."

Text.

CHARLES BY THE GRACE OF GOD, Kinge of England, Scotland, Fraunce, and Ireland Defender of the Fayth &c. TO ALL to whome theis presents shall come, Greeting. WHEREAS our most deare and royall father Kinge James, of blessed memory, by his Highnes letters-patents beareing date at Westminster the third of November in the eighteenth yeare of his raigne HATH given and graunted vnto the Councell established at Plymoth in the County of Devon, for the planting, ruling ordering and governing of Newe England in America, and to their successors and assignes for ever: All that parte of America lyeing and being in bredth from forty degrees of northerly latitude from the equinoctial lyne, to forty eight degrees of the saide northerly latitude inclusively and in length of and within all the breadth aforesaid through out the maine landes from sea to sea; together also with all the firme landes soyles groundes havens portes rivers waters fishing mynes and mynerallS as well royal mynes of gould and silver as other mynes and minerallS precious stones quarries and all and singular other com̃odities jurisdicc̃ons royalties priviledges, franchisis and prehemynences, both within the said tract of land vpon the mayne and also within the islands and seas adioining:

PROVIDED alwayes, That the saide islandes or any the premisses by the said letters-patents intended and meant to be graunted were not then actuallie possessed or inhabited by any other Christian Prince or State nor within the boundes, lymitts or territories of the Southerne Colony then before graunted by our saide deare father, to be planted by divers of his loveing subiects in the south partes To HAVE and to houlde possess and enioy all and singular the aforesaid continent, landes, territories, islandes, hereditaments and precincts seas . . . .

. . . AND WHEREAS the saide Councell established at Plymouth in the County of Devon for the plantinge, ruling, ordering, and governing, of Newe England in America have by their deede, indented vnder their com̄on seale, bearing date the nyneteenth day of March last past in the third yeare of our raigne given graunted, bargained, soulde, enfeoffed, aliened, and confirmed to Sir Henry Rosewell Sir John Young and Symon Whitcombe, their Heirs and associats forever, all that parte of Newe England in America aforesaid which lyes and extendes betweene a greate river there com̄onlie called Monomack alias Merriemack, and a certen other river there called Charles river, being in the bottome of a certayne bay there comonlie called Massachusetts alias Mattachusetts alias Massatusetts bay, and also all and singular those landes and hereditaments whatsoever, lyeing within the space of three English myles on the south parte of the said Charles River, or of any or everie parte thereof: And also all and singuler the landes and hereditaments whatsoever lyeing and being within the space of three English myles to the southwarde of the southermost parte of the saide bay, called Massachusetts, alias Mattachusetts alias Massatusets bay: and also all those landes and hereditaments whatsoever which lye and be within the space of three English myles to the northward of the said river called Monomack, alias Merrymack, or to the northward of any and every parte thereof: And all landes and hereditaments whatsoever, lyeing within the lymitts aforesaide north and south, in latitude and bredth, and in length and longitude, of and within all the Bredth aforesaide, throughout the mayne landes there, from the Atlantick and Westerne sea and ocean on the east parte, to the south sea on the west parte, and all landes and groundes, havens, portes, rivers, waters, fishings, and hereditaments whatsoever, lyeing within the said boundes and lymitts, and everie parte and parcell thereof: And also all islandes lyeing in America aforesaide, in the saide seas, or either of them, on the westerne or eastern coastes or partes of the said tractes of lande by the saide indenture mencõed to be given, graunted, bargained, sould, enfeoffed, aliened, and confirmed, or any of them; and also all mynes and myneralls as well royall mynes of gould and silver, as other mynes and myneralls whatsoeuer in the saide lands and premisses, or any parte thereof: And all jurisdiccõns, rights, royalties, liberties, freedomes, ymmunities, priviledges, franchises, preheminences, and com̃odities whatsoever, which they, the saide Councell, established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had or might vse, exercise, or enioy in and within the saide landes and premisses by the saide indenture mencõed to be given, graunted, bargained, sould, enfeoffed, and confirmed, or in or within any parte or parcell thereof. To HAVE and to hould the saide parte of Newe England in America which lyes and extendes and is abutted as aforesaide, and every parte and parcell thereof . . . .

. . . Nowe knowe yee, that wee, at the humble suite and peticõn of the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have associated vnto them, HAVE, for divers good causes and considerac̃ons vs moveing, graunted and confirmed, And by theis presents of our especiall grace, certen knowledge, and meere moc̃on, doe graunt and confirme vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their associatts hereafter named, (videlicet,) Sir Richard Saltonstall, knight, Isaack Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their heires and assignes, All the said parte of Newe England in America, lyeing and extending betweene the boundes and lymitts in the said recited indenture expressed, ... To be holden of vs, our heires and successors, as of our manor of Eastgreenwich aforesaid, in free and com̄on Socage, and not in Capite nor by knights service, AND ALSO YEILDING and paying therefore to vs, our heires and sucessors, the fifte parte onlie of all oare of gould and silver, which, from tyme to tyme, and att all tymes hereafter, shalbe there gotten, had, or obteyned, for all services, exac̃cons, and demaunds whatsoever, according to the tenure and reservac̃on in the said recited indenture expressed. . . . . . To the ende that the affaires and buyssinesses which, from tyme to tyme, shall happen and arise concerning the saide landes and the plantation of the same, maie be the better mannaged and ordered. WEE HAVE FURTHER hereby, of our especiall grace, certen knowledge, and meere moc̃on, given, graunted, and confirmed, And for vs, our heires and successors, doe give, graunt, and confirme vnto our saide trustie and well beloved subiects, Sir Henry Rosewell, &c. . . . . AND for vs, our heires and successors, wee will and ordeyne, That the saide Sir Henry Rosewell, Sir John Yong, Sir Richard Salstonstall, Thomas

Southcott, John Humfrey, John Endicott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, and all such others as shall hereafter be admitted and made free of the Company and Society hereafter mencõed, shall from tyme to tyme, and at all tymes for ever hereafter, be, by vertue of theis presents, one body corporate and politique in fact and name, by the name of the Governor and Company of the Mattachusetts Bay in Newe England: And them by the name of the Governor and Company of the Mattachusetts Bay in Newe England, one bodie politique and corporate in deede, fact, and name. Wee doe for vs, our heires and successors, make, ordeyne, constitute and confirme by theis presents, and by that name they shall have perpetuall succession: . . . .

. . . . . . And wee doe further, for vs, our heires and successors, ordeyne and graunte to the said Governor and Company, and their successors, by theis presents, That theis our letters patents shalbe firme, good, effectuall, and availeable in all thinges, and to all intente and construc̃cons of lawe, according to our true meaning herein before declared, and shalbe construed, reputed, and adiudged in all cases most favourablie on the behalf and for the benefitt and behoofe of the saide Governor and Company and their successors.

Although expresse mencõn of the true yearely value or certenty of the premisses, or of any of them, or of any other guiftes or grauntes by vs or any of our progeniters or predecessors to the foresaid Governor or Company before this time made, in theis presents is not made, Or any statute, acte, ordiñnce, provision, proclama-c̃on, or restrainte to the contrarie thereof heretofore had, made, published, ordeyned, or provided, or any other matter, cause, or thinge whatsoever to the contrarie thereof in any wise notwithstanding. In Witnes whereof, wee have caused theis our letters to be made patente. Witnes ourself at Westminster, the fourth day of March, in the fourth yeare of our raigne.

Per Breve de Privato Sigillo.

WOLSELEY.

PRAEDICT' Matthaeus Cradocke Juratus est de Fide et Obedientiâ Regi et Successoribus suis, et de Debitâ Exequutione Officij Gubernatoris iuxta Tenorem P^r^sentium, 18° Martij, 1628. Coram me, Carolo Caesare, Milite, in Cancellariâ Mr̃o.

[In his hand] CHAR. CAESAR.

[Indorsed] A perpetuity graunted to Sir Henry Rosewell & others, of parte of Newe England in America.

[in his hand] WOLSELEY.

XVIII.

TREATY OF SUZA, BETWEEN LOUIS XIII. OF FRANCE AND CHARLES I. OF ENGLAND.

$\frac{\text{April } 24}{\text{May } 4}$, 1629.

Sources.

For the Treaty of Peace and Confederation between Louis XIII. of France and Charles I. of England, made at Suza in Piedmont, $\frac{\text{April } 24}{\text{May } 4}$, 1629, the earliest text is undoubtedly that of M. J. Dumont, "Corps Diplomatique," V., Part II. 580, which was adopted by the French Commissioners, "Mémoires des Commissaires du Roi et ceux de sa Majesté Britannique sur les possessions et les droits respectifs des deux Couronnes en Amérique" (Paris, 1755), II., 1-5. The text is also printed by Leonare, "Recueil des Traites de Paix" (Paris, 1692), V.; and Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 319. An English translation is by John Rushworth, "Historical Collections" (London, 1680), II., 1629-1640, 25. No other English text having been found, that is the one adopted.

Text.

1. That the two Crowns shall remain agreed to renew the ancient Alliances betwixt them, and to keep the same inviolably, opening again the Commerce sure and free. And concerning the said Commerce, if there is anything to be added or diminished about the same, it shall be done on both Parts freely and willingly, as it shall be thought convenient.

2. And forasmuch as it should be difficult to make the restitution on the one and the other part of the divers Prizes, which during this War have bin taken, the two Crowns are agreed that there shall be made no Restitution. And there shall also not be granted any Reprisal by Sea, nor by any other ways whatsoever, for what is past between the two Kings and their Subjects during this last war.

3. Concerning the Articles and Contract of the marriage of the Queen of *Great Britain*, the same are to be confirmed faithfully. And as for the said Queen's Household, if there be anything to be added or diminished, it shall be done by mutual consent freely and willingly, as it may be judged fit and convenient for the service of the said Queen.

4. All former and ancient Alliances both of the one and the other Crown, shall remain in their full force, they receiving no Alteration by the present Treaty.

5. The two Kings being by this present Treaty reunited in the same good Affection and Intelligence where they were formerly in, shall imploy themselves, and endeavour mutually to give Aid and Assistance unto their Allies and Friends, according as by the Constitution of Affairs, and by the advantage of a common Good shall be required and suffered. And all this to the end thereby to procure an entire Quietness for Christendom; for the good whereof the Ambassadors of the two Crowns shall receive Propositions and Overtures.

6. All these things being re-established and accepted on the one and the other Part, there shall be sent reciprocally extraordinary ambassadors, Persons of Quality, with the Ratification of the present Agreements; the which shall bring with them the denomination of Ordinary Ambassadors, that are to reside in the one and the other Royal Court, thereby to confirm again the Union, and to hinder all occasions that might trouble the same.

7. And whereas there are yet many Ships abroad in the Sea with Letters of Mart, and Commission to fight against their Enemies, which cannot so soon have knowledge of this Peace, nor receive Order to abstain from all Hostility; therefore it shall be agreed upon by Article, That whatsoever shall be taken during the space of two months after the signature of this present Treaty, shall be restored on the one and the other side.

8. The two Kings shall sign these present Articles on the 24th day of the month of April, which shall afterwards be consigned and delivered at the very same time by their Commandments into the hands of the Lords Ambassadors of *Venise*, residing near their Royal Persons, to be mutually delivered to the said two Kings at their prefixed day, as soon as each of them shall have knowledg of the other that they have the said Articles in their hands, and from the day of the signature, all Acts of Hostility both by Sea and Land

shall cease, and Proclamations needful to this effect shall be published upon one day within the two Kingdoms. Given, &c.

His Majesty at the instance of the Queen, in regard of the Peace concluded between the two Crowns, is graciously pleased that certain Priests and Recusants, who then were in several Prisons, should be released, and delivered to the *French* Ambassador to be transported beyond Seas, notwithstanding any former Orders against such Releases and Deliverances.

XIX.

EXTRACTS FROM THE GRANT OF NEW HAMPSHIRE, BY THE GREAT COUNCIL FOR NEW HAMPSHIRE.

NOVEMBER 7/17, 1629.

Sources.

For the grant of New Hampshire to Captain John Mason, November 7/17, 1629, an early transcript, which is the source of all printed texts, is in the Files, in the office of the Secretary of State for New Hampshire. It was first printed by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 289-293; it is reprinted in Nathaniel Bouton, compiler, "Documents and Records, Relating to the Province of New Hampshire" (Concord, 1867), I., 21-26; New Hampshire Historical Society, "Collections," I., 304-310; Ben: Perley Poore, "The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States" (Washington, 1877), 1270-1273; and John Ward Dean, editor, "Capt. John Mason, the Founder of New Hampshire" (Prince Society, 1887), 183-189.

The extracts relating to New Hampshire boundaries are from Hazard's text.

Text.

This Indenture, made the Seventh Day of November, Anno Domini One Thousand Six Hundred Twenty Nine, and in the Fifth Year of the Reign of our Sovereign Lord, Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith &c, &c. Between the President and Council of New-England, on the one Part, and Captain John Mason, of London, Esquire, on the other Party: Witnesseth, That whereas our late Sovereign Lord, of famous memory, King James, for the making of a Plantation, and establishing of a Colony or Colonys, in the Country called or known by the Name of New-England, in America, did by his Highness' Letters-pattents, under the Great Seal of England &c . . . . Give and Grant and confirm unto the . . . . . Sir Ferdinando Gorges, Knight and divers others, whose Names are expressed in the said Letters-pattents, their Heirs and Assigns, that they shall be one Body Politick and Corporate perpetuall, and that they should have perpetuall Succession, and one Common Seal or Seals to serve for the said Body; and that they and their Successors shall be known, called, incorporated by the Name of the President and Council, established at Plimouth, for the planting, ruling, and governing of New-England, in America; And also did of his especial Grace, certain Knowledge, and meer Motion, for Him, his Heirs and Successors, give, grant, and confirm unto the said President and Council, and their Successors, under the Reservations, Limitations, and Declarations, in the said Letters-patents expressed, all that Part and Portion of that Country, now commonly called New-England, which is situate, lying, and being between the Latitudes of Forty Degrees and Forty-Eight Degrees North Latitude &c . . . . . Now this Indenture Witnesseth, That the said President and Council, of their free and mutual Consent, as well as to the End, that all the Lands, Woods Lakes, Rivers, Waters, Islands and Fishings, with all the Trafick, Profits, and Commodities whatsoever, to them or any of them belonging and hereafter in these Presents mentioned, may be wholly and entirely invested, appropriated, served, and settled, in and upon the said Captain John Mason, his Heires and Assigns forever, as for divers special services for the Advancement of the said Plantation, and other good and sufficient Causes and Considerations them especially thereunto moving, have given, granted, bargained, sold, assigned, aliened, set over, enfeof, and confirme unto the said Captain John Mason, his Heires and Assigns, all that Part of the main Land in New England, lying upon the Sea Coast, beginning from the middle Part of Merrimack River, and from thence to proceed northwards along the Sea Coast to Piscataqua River, and so forwards up within the said River, and to the furthest Head thereof, and from thence northwestwards, until three Score Miles be finished from the first Entrance of Piscataqua River, and also from Merrimack through the said River, and to the furthest head thereof, and so forwards up into the Land westwards until three Score Miles be finished; and from thence to cross over all Islands and Islets within Five Leagues Distance of the Premisses, and abutting upon the same or any Part or Parcel thereof, as also all Lands, Soyles &c . . . . ; which said Portions of Lands with the Appurtenances, the said Captain John Mason, with the Consent of the President and Council, intends to name New Hampshire. &c

. . . .

In Witness whereof to one part of this present Indenture, remaining in the hands of Captain John Mason, the said President and Council have caused their Common Seal to be affixed; and to the other Part of these present Indentures remaining in the Custody of the said President and

Council, the said Captain John Mason hath put to his Hand and Seal, given the Day and Year first above written.

A true Copy of the File in the Secretary's Office in New-Hampshire

Attest Eben. Thompson,
Secretary.

XX.

LACONIA PATENT, BY THE GREAT COUNCIL FOR NEW ENGLAND.

NOVEMBER 17/27, 1629.

Sources.

In respect to the grant of the Province of Laconia to Sir Ferdinando Gorges and Captain John Mason, November 17/27, 1629, the original document is, according to Jenness, in "Colonial Entry Book," 59, 115-121.

The text adopted is the manuscript copy in the "Massachusetts Archives," III., 140-148, indorsed, "These are to certify that the foregoing is a true copy of the Original Entered upon record in the Office of the Lord's Commissioners for Trade and Plantations." It is the only source from which entire transcripts of the text have been made.

The manuscript was transcribed by Charles Wesley Tuttle, the proof compared and corrected by Mr. William B. Trask, editor "Suffolk Deeds," and published by John Ward Dean, editor, "Capt. John Mason, the Founder of New Hampshire" (Prince Society, Boston, 1887), 189-197.

Extracts transcribed from the original are given by John Scribner Jenness, "Transcripts of Original Documents in the English Archives, relating to the Early History of the State of New Hampshire" (New York, 1876), 3-7, and "The Isles of Shoals, an Historical Sketch" (New York, 1875), second edition, Appendix II., 180-182.

No settlements resulted from the Laconia grant, but the earlier historians confused it with the grant of the Province of Maine in 1622; for that reason the document is included in this compilation.

Text.

This INDENTURE made the seventeenth day of November Anno Dom. 1629 and in the fifth Year of the Reign of our Sovereign Lord Charles by the grace of God King of England Scotland France & Ireland Defender of the Faith &c Between the President and Councill of New England in the one party & S^r^ Ferdinando Gorges of London Kn^t^ and Cap^t^ John Mason of London Esq^r^: on the other party — Witnesseth that whereas Our late sovereign Lord of famous memory King James for the making a Plantation and an establishing of a Colony or Colonys in the Country called or known by the name of New England in America did by his Highnesses Letters patent under the great Seal of England bearing date at Westminster the third day of November in the Eighteenth Year of his Reign, give grant & confirm unto the Right Hon^ble^ Lodowick Duke of Lenox George Marquis of Buckingham James Lord Marquis of Hamilton Thomas Earl of Arundell Robert Earl of Warwick S^r^ Ferdinando Gorges Kn^t^: and divers others whose Names are Expressed in the said Letters Patent their Heirs and Assigns that they shall be one body politicque and corporate perpetual and that they should have perpetual Succession and one Common seal or seals to serve for the said body and that they and their Successors shall be known called Incorporated by the name of the president & Councill established at Plym^o^: for the planting ruling & governing of New England in America and also did of his special grace certain knowledge and mere motion for him his heirs & Successors give grant & confirm unto the said president & Councill & their Successors under the reservations and limitations & declarations in the said Letters patent expressed. All that part & portion of that Country now commonly called New England which is Situate lying and being between the latitude of Forty degrees & forty eight of Northerly latitude together with the Seas & Islands lying within one hundred Miles of any part of the said coast of the Country aforesaid And also all the Lands Soils grounds Havens Ports Rivers Mines as well Royal Mines of Gold & Silver and other Mines Minerals pearls and precious Stones Woods Quarrys Marshes Waters Fishing Hunting Hawking Fowling Commodytes & Hereditaments whatsoever together with all perogatives Iuridictions royalties, privaleges Franchises and Preheminences within any of the said Territorys & Precincts thereof whatsoever. To have hold possess enjoy all and Singular the said Lands and premises in the said Letters patent granted or mentioned to be granted unto them the said president & Councill their Successors & Assigns for ever. To be holden of his Majesty his heirs & Successors as of his Highnesses mannor of East Greenwich in the County of Kent in free & Common Soccage and not in Capite or by Knights service Yealding and paying to his Majesty his Heirs & Successors the one fifth part of all Gold & Silver ore that from time to time and at all times from the date of the said Letters patent shall be there gotten had or Obtained for all services dutys or Demands as in and by his Highnesses said Letters patent amongst divers other things therein contained more full and at large it doth and may appear And whereas the said president and Councill have upon mature deliberation thought fit for the better furnishing & furtherance of the Plantation in those parts to appropriate & allot to Several and particular persons divers parcells of Lands within the precincts of the aforesaid granted premisces by his Majesty's said Letters patent. Now this Indenture Witnesseth that the said president & Councill of their full free and mutual consent as well to the end that all the Lands Woods Lakes loucks Rivers waters Islands & Fishings with all other the Traficks profits and comoditys whatsoever to them or any of them belonging & hereafter in these patents mentioned may be wholly and entirely invested appropriated severed & settled in and upon the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason, their Heirs and Assign's for ever as for divers special services for the advancment of the said Plantation and other good and sufficient causes and Considerations them especially thereunto moving have given granted bargain'd sold assign'd alienated sett over enfeofed & confirmd by these presents do give grant bargain sell assign alien sett over enfeofed and confirm unto the said S^r^ Ferdinando Gorges & Cap^t^ Iohn their Heirs & Assigns and to their Associates and such as they shall allow of & take in to adventure & joyn with them in their Plantation traficks & Discoverys in the parts hereafter express'd and their Heirs & assign's according to contracts with them to be made All those Lands & Countrys lying adjacent or bordering upon the great Lake or Lakes or Rivers commonly called or known by the name of the River & Lake or Rivers & Lakes of the Irroquois a Nation or Nations of Savage people inhabiting into the Landwards betwixt the lines of West and Northwest conceiv'd to pass or lead upwards from the Rivers of Sagadahock and Merimack in the Country of New England aforesaid Together also with the Lakes and Rivers of the Irroquois and other Nations adjoyning the middle part of which Lakes situate & lying neer about the Latitudes of Forty four or forty five degrees reckoned from the Equinoctial line Northwards as also all the Lands Soiles & Grounds within ten miles of any part of the said Lakes or Rivers on the South or East part thereof and from the West end or Sides of the said Lakes or Rivers so farr forth to the West as shall extend half way into the next great Lake to the westward and from thence Northwards unto the North side of the Main River which runneth from the great & vast Western Lakes & falleth into the River of Canada including all the Islands within the precinct or preambulation described. As also all the Lands Soil Grounds Havens Ports Rivers Mines Minerals Pearls & precious Stones Woods Quarrys Marshes Waters Fishings Hunting Hawking Fowling Trade & Traffick with the Savages and other Commoditys & Hereditaments whatsoever with all and Singular their appurtenances together with all perogatives Rights Royaltys Iuridictions priveleges franchises preheminences Libertys Marine power in & upon the said Rivers & Lakes. As also all escheats and Casualtys thereof Flotson Ietson & Lagon with Anchorages & other such Dutys Immunitys sects isletts and appurtenancys whatsoever with all the Estate right title Interest Claim & Demand whatsoever w^{ch} the said President & Councill & their Successors of Right ought to have or claim in or to the said portions of Lands Rivers & Lakes and other the premises as is aforesaid by reason or force of his Highnesses said Letters patent in as free large ample & beneficial Manner to all intents constructions & purposes what soever as in & by the said Letters patent the same are amongst other things granted to the said president & Councill aforesaid Except two fifths of the ore of Gold & Silver in these parts hereafter expressed which said portions of Lands Rivers Lakes with the appurtenences the said S^{r} Ferdinando Gorges and Cap^{t} In^{o} Mason with the consent of the president & Councill intend to name THE PROVINCE OF LACONIA To have & to hold all the said portions of Land and all the Lakes & Islands therein contained as aforesaid and all & Singular other the premises hereby given granted alien'd enfeoffed & confirmed or mentioned or intended by these presents to be given granted aliened enfeoffed and confirmed with all & singular the appurtenances & every part & parcell therof unto the said S^r Ferdinando Gorges & Capt Iohn Mason their Heirs and Assign's & their associates contracts with them forever. To be holden of his said Majesty his Heirs and successors as of his highnesses mannor of East Greenwich in the County of Kent in free and common soccage and not in Capite or by Knights service Nevertheless with such exceptions reservations Limitations & Declarations as in the said Letters patent are at large expressed Yeilding and paying into our Sovereign Lord the King his Heirs & Successors the fifth part of all the Ore of Gold & Silver that from time to time hereafter shall be there gotten & obtained for all Services Dutys & demands. And also Yealding & paying unto the said president & Councill & their Successors yearly the sum of Ten pounds of Lawfull money of England at one intire paym^t within ten days after the feast of S^t Michael the Archangel Yearly. And the said President and Counceil for them & their Successors do covenant and grant to & with the said S^r Ferdinando Gorges and Cap^t Iohn Mason their Heirs & assigns and their Associates from & after then sealing & delivering of these presents according to the purport true intent and meaning of these presents that they shall from henceforth from time to time for ever peacably and quietly have hold possess & enjoy all the aforesaid portions of Lands Lakes & Rivers with all the Islands and premises with the appurtenences hereby before given & granted or mentioned or intended to be hereby given and granted & every Part & Parcell therof without any Lett Disturbance denyal trouble interruption or eviction of or by the said president & Councill or any person or persons whatsoever claiming by from or under their Estate right Title or interest And the said president & Counceil for them & their Successors do further covenant & grant to & with the said S^r Ferdinando Gorges & Cap^t Iohn Mason their Heirs & Assigns & their Associates contractors as aforesaid by these presents. That they the said president & Counceil shall at all times hereafter upon reasonable request at the only proper costs and charges in the Law of the said S^r Ferdinando Gorges and Cap^t Iohn Mason their Heirs & Assign's & their Associates do make perform suffer execute & willingly consent unto any further Act or Acts conveyance or conveyances assurance or assurances whatsoever for the good & perfect investing assuring conveying & sure making of all the aforesaid portions of Land Lakes Islands & all & Singular their Appurtenances to the said S^r Ferdinando Gorges & Cap^t Iohn Mason their Heirs & Assign's & their Associates as by them their Heirs & Assign's & their Associates or by his their or any of their Counceil learned in the Law shall be devised advised or required And further it is agreed by & between the said Partys to these Presents & the said S^r Ferdinando Gorges & Cap^t Iohn Mason for them their Heirs Executors Administrators and Assign's & their Associates do covenant to & with the said president & Counceil and their Successors by these presents that if at any time hereafter there shall be found any ore of Gold & Silver within the ground wherein any part of the said premisses that then they the said S^r Ferdinando Gorges & Cap^t Iohn Mason their Heirs & Assign's and Associates shall yeald & pay unto the said president & Counceil their Successors & Assign's One fifth part of all such Gold & Silver ore as shall be found within & upon the premises & digged & brought above Ground to be deliver'd above ground and that always within reasonable and convenient time if it be demanded after the finding getting & digging up of such ore as aforesaid without fraud or cunning and accordingly to the true intent and meaning of those Presents. And the said S^r Ferdinando Gorges & Cap^t Iohn Mason do further covenant for them their Heirs & Assign's & their Associates that they will establish such Government in the said Portion of Land & Islands granted unto them and the same will from time to time continue as shall be agreeable as neer as may be to the Laws & Customs of the Relm of England & if they shall be charged at any time to have Neglected their duty therin that then they will reform the same according to the Directions of the president & Counceil or in default therof it shall be Lawfull for any of the agreiv'd Inhabitants planters being Tenants upon the said Lands to appeal to the Chief Courts of Justice of the said president and Counceil and the said S^r^ Ferdinando Gorges and Cap^t^ Iohn Mason do Covenant & Grant to and with the said President & Counceil their Successor's and Assign's by these Presents that the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason shall & will before the expiration of three Years to be accounted from the day of the Date hereof have in or upon the said portions of Lands or some part therof one Fort with a competant guard & ten Familys at the least of his Majestys Subjects resident and being in & upon the same premises or in default therof shall & will Forfit & lose to the said president & Counceil the Sum of One Hundred Pounds Sterling Money & further that if the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason their Heirs and Assigns or Associates shall at any time hereafter alien these premises or any part therof to any Foreign Nation or to any person or persons of any Foreign Nation without the Special licence consent and agreement of the said President & Counceil their Successors or Assign's that then the part or parts of the said Lands so alien'd shall Immediately return back again to the use of the said president & Counceil and the said President & Counceil for themselves and their Successors do further covenant & grant to and with the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason their Heirs &

Assign's and Associates And by these Presents that it shall & may be Lawfull at all times hereafter to and for the said S^r Ferdinando Gorges & Cap^t Iohn Mason their Heirs Assign's & their Associates and the Deputys Factors Servants & Tenants of them or any of them to have free Egress Regress way & passage to enter & pass into & Return from and to any of the said demised Lands Lakes & Rivers with their Ships boats Barkes or other Vessels with their munition & their Cattle and Commoditys of what nature soever from by & through any of the Lands Rivers Harbours Creeks or Sea Ports upon the Sea Coasts or Fronteir parts of New England aforesaid belonging to the President & Counceil aforesaid without any Lett trouble — Interruption molestation or hindrance of them the said President & Counceil their Successors or Assigns or if any other person or Persons claiming under them or by their Means or procurement. And for the better accommodation of them the said S^r Ferdinando Gorges & Cap^t Iohn Mason their Heirs Assigns and Associates in their intended Traficks & Plantations above in the said Lakes of the Irroquois whither their Goods Merchandizes from the Sea Ports are to be after Landing Transported, it shall be Lawfull for them to make chois of & take & possess for the use of them the said S^r: Ferdinando Gorges & Cap^t: Iohn Mason their Heirs Assign's & Associates and their Deputys Factors Tennants and Planters of their Colonys in any of the Ports Harbours or Creeks in New England lying most Commodious for their Passage up into the said Lakes One Thousand Acres of Land upon the side or sides of such Harbours Ports Rivers or Creeks where the same is not yet disposed of to any other persons by the said President & Counceil. And the Lands by them shall be Holden Possessed & enjoy'd as freely and with as ample privileges Iuridictions and Commoditys in all respects as any other the Lands above in these Presents demised & granted unto them. And further know ye that the said president and Counceil have made constituted deputed Authorized and Appointed And in their place and stead depute Edward Godfrey or in his abscence to any other person that shall be their Governor or other Officer to the President and Counceil to be their true & Lawfull Attorney and in their Name and Stead to enter the said Portion of Land and other premises with their Appurtenances or into some part therof in Name of the whole for them & in their Name to have & take possession and Seizing therof or some part therof in the name of the whole so had & taken there for them & in their Name to deliver the full & peaceable possession & Seizing of all & Singular the said granted premises unto the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason or to their certain Attorney or Attorneys in that behalf according to the true intent and meaning of these presents ratifying confirming & allowing all and whatsoever their said Attorney shall do in or about the premises by these Presents. In witness wherof to one of these present Indentures as remaining in the Hands of the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason the said president and Counceil have caused their Common Seal to be affixed and to the other part of these Present Indentures remaining in the Custody of the said President & Counceil the said S^r^ Ferdinando Gorges & Cap^t^ Iohn Mason have put to their hands & Seals giving the day and Year first above written.

XXI.

THE CHARTER OF PLYMOUTH COLONY BY THE GREAT COUNCIL FOR NEW ENGLAND.

JANUARY 13/23, 1629/30.

Sources.

The original Charter for the Old Colony of Plymouth, with lands on the Kennebec, which was confirmed to William Bradford and associates by the Great Council, January 13/23, 1629/30, is in the Registry of Deeds at Plymouth. With the charter is the box in which it was brought from England, also the only known seal of the Great Council, but so imperfect that the device cannot be fully deciphered. The charter itself has become somewhat defaced, but the signature of the Earl of Warwick, then the president of the Council, from which circumstance the charter has been designated the " Warwick Charter," is still distinct.

After Governor Bradford assigned the charter to the freemen of the Plymouth Colony, March 2/12, 1641/2, according to provisions of the Act of Assignment, the charter was still kept in the possession of the Bradford family. After a time it was lost sight of, but in 1741, according to the diary of Josiah Cotton, it was found at Plympton, " after a deal of labor and cost." It was used in settling the boundary disputes between Massachusetts and Rhode Island, and in 1820 was lodged in the office of the Registry of Deeds.

A transcript of the charter, attested by Thomas Hinckley, the last governor of the Plymouth Colony, is in the Massachusetts Archives, Vol. 87, 123-129. The charter was first printed by Ebenezer Hazard, " Historical Collections, Consisting of State Papers and Other Documents " (Philadelphia, 1792), I., 298-303 ; other texts are William Brigham, " The Compact with the Charter and Laws of the Colony of New Plymouth " (Boston, 1836), 21-27 ; William T. Davis, "The History of the Town of Plymouth, with a Sketch of the Origin and Growth of Separatism ' (Philadelphia, 1885), 41-43; and "The History of Plymouth County" (Philadelphia, 1884), 96-98. An abstract of the charter appears in "A forme to be placed before the Records of the several inheritances granted to all and every the king's subjects inhabiting with the government of New Plymouth," "Plymouth Records," I., 21-24, also in William Brigham, "Plymouth Colony Laws," 21-27.

The charter is printed entire in this collection because of its relation to Maine history. The territory on both sides of the Kennebec, and the tract of land which extended from the utmost of the "Comasecont" gave to the Plymouth settlers opportunity to establish trade with the Indians.

The text adopted is the manuscript in the Massachusetts Archives which is an authenticated transcript of the original document, and the earliest that has been preserved. An examination has been made of the worn original at Plymouth.

Text.

To all to whom these presents shall come GREETING; Whereas Our Late Souveraigne Lord King James for aduancement of a Collony & Plantation in the Country Called or known by the name of New England in America By his Highness Letters Pattents under the great Seale of England bearing date att Westminster, the Third Day of November in the Eighteenth yeare of his Highnesses Reigne of England &c., Did giue grant & confirme unto the Right Hon^ble^ Lodwick late Lord Duke of Lenox George late Lord Marques of Buckingham James Marques Hamilton Thomas Earle of Arundell Robert Earle of Warwick S^r^ fferdinando Gorges Kn^t^ & diuers others whose names are Expressed in the s^d^ Letters Pattents, and their Successors that they should be one Body Politique and Corporate Perpetually Consisting of forty persons & that they should haue perpetuall Succession and One Com̃on Seale to Serue for the said body and that they and their Successors should be Jncorporated Called and knowne by the name of the Councill Established att Plymouth in the County of Deuon for the Planting Ruling ordering and gouerning of new England Jn America, And also of his Speciall Grace Certaine Knowledge and meere motion did giue grant and Confirme unto the said President and Councill, and their Successors for Euer, under the Reseruations Limitations and Declarations in the said Letters Patents Expressed All that part and portion of the Said Country now Called New England in America, Scituate Lyeing and being Jn breath from forty Degrees of Northerly Latitude from the Equenoctiall Line to forty Eight Degrees of the said northerly Latitude Jnclusively, and in Length of and in all the Breadth aforesaid throughout the maine Land from Sea to Sea together also with all the firme Lands Soyles Grounds Creeks Jnletts Hauens Ports Seas Riuers Jslands Waters ffishings Mines and Mineralls Pretious Stones quarries and all and Singular the Commodities Iurisdictions Royalties Priuiledges ffranchises & Preheminences both within the said Tracts of Land upon the Maine as also within the said Jslands adjoyning, To *haue hold* possess and Jnjoy ; all and Singular the aforesaid Continent Lands Territorys Jslands Hereditaments and Precincts Seawater ffishing with all and all manner their Commodities Royalties Preuiledges Prehemenences and Proffitts that shall or may arise from thence with all and Singular their appurtenances and Euery part and parcell thereof unto the said Councill and their Successors and assignes for Euer To be holden of his Majesties his heires and Successors as of his Manner of East Greenwich Jn the County of Kent Jn ffree and Comon Soccage & not in Capite nor by Knight Seruice. Yeilding and payeing therefore unto the late Kings Majesties his heires & successors a ffifth part of the Oare of Gold and Siluer which from time to time and att all times from the Dates of the said Letters Pattents Shall be there gotten had and Obtained for and in Respect of all and all manner of Dutyes Demands and Seruices whatsoeuer to be Done and paid unto his s^{d} Late Ma^{tie} his heires and Successors as in and by the said Letters Pattents amongst Sundry other Priuiledges and matters therein Contained more fully and att Large it doth and may appeare Now Know yee that the said Councill by Virtue and Authority of his said Majesties Letters Pattents for and in Consideration that William Bradford and his Associates haue for these nine yeares liued in New England aforesaid and haue there Jnhabited and planted a Towne Called by the Name of New Plym^{o} at their Owne proper Costs and Charges and now Seeing that by the Speciall Prouidence of God and their Extraordinary Care and Jndustry they haue incressed their Plantation to neere three hundred People and are upon all Occasion able to releiue any new Planters or other his Majesties Subjects who may fall upon that Coaste HAUE GIUEN granted Bargained and Sold Enfeoffed allotted assigned and Sett Ouer and by these presents Doe Clearely and absolutely Giue grant Bargaine Sell Allien in ffeeof alott Assign And Confirme unto the said W^{m} Bradford his heires associates & assignes all that part of New England in America aforesaid and Tract and Tracts of Land that lyes within or betweene a certaine Reuolett or Runlett there commonly called Cohasett alias Conahasett towards the North and the Riuer commonly called Narragansett Riuer towards the South and the great Westerne Ocean towards the East, and betweene, and within a Streight Line directly Extending up Jnto the Maine Land towards the west from the mouth of the said Riuer called Narragansett Riuer to the uttmost bounds of a Country or place in New England Commonly called Pocornockett als Sawnonsett; westward and an other Streight line Extending it Self Directly from the mouth of the said Riuer called Cohasett als Conahasett towards the West So farr up into the Maine Land Westwards as the Vtmost Limitts of the said place or Country Com̃only called

Poconockett al̄s Sawamsett Do Extend together with one half of the s^{d} Riuer called Narragansett Riuer and the s^{d} Reuolett or Runlett called Cohasett al̄s Conahasett and all Lands Riuers waters hauens Ports Crecks ffishings fowlings and all hereditaments Proffitts Com̄odityes and Jmoluments Whatsoeuer Scituate Lyeing and being or ariseing within or betweene the said Limitts or bounds or any of them and for as much as they haue no Conuenient Place either of Trade or of ffishing within their Owne precincts where by after Soe Long trauell and great pains so hopefull a plantation may Subsist, as also that they may *be* incouraged the better to proceed in soe pious a worke which may Especially tend to the propagation of Religion, and the great Jncrease of Trade to his Majesties Realms, and aduancement of the publick Plantation, the said Councill hath further Giuen granted Bargained sold Enfeofed a Lotted and Sett ouer and by these presents doe Clearely and absolutely giue grant bargaine Sell Alien Jnfeoffe a Lott assigne and Confirme unto the said W^{m} Bradford his heirs Associates and Assignes all that Tract of Land or part of New England in America afores^{d} which lyeth within or betweene and Extendeth it Self from the utmost of Cobestcont alias Comasecont Which adjoyneth to the Riuer Kenibeck alias Kenebeckick towards the Westerne Ocean and a place called the falls of Nequamkick in America aforesaid and the Space of ffifteen English milles on Each Side of the said Riuer Com̄only called Kenebeck Riuer and all the said Riuer Called Kenebeck that Lyes within the said Limitts and Bounds Eastward Westward Northward and Southward Last afore mentioned, and all Lands Grounds Soyles Riuers Waters ffishing hereditaments and profitts whatsoeuer Scituate Lying and being arising hapening and accrueing or which shall arise hapen or Accrue in and within the said Limitts and bounds or either of them togeather with free Jngress ; Egress & regress with Shipps Boats Shallops and other Vessels from the Sea Commonly Called the Westerne Ocean to y^e^ s^d^ Riuer called Kenebeck and from the Riuer to the said Westerne Ocean togeather with all prerogatiues Rights Royalties Jurisdictions Priuiledges ffranchises Libertyes and Emunities; and also Marine Lyberty with the Escheats and Causalityes thereof (the Admiralty Jurisdiction Excepted) with all the Jnterests Rights titles Clame and Demand whatsoeuer which the s^d^ Councill & their Successors now haue or ought to haue and Clayme and may haue and acquire hereafter in or to any the s^d^ Portions or Tracts of Lands hereby mentioned to be granted or any the preheminences; Jn as free Large Ample & benefitiall manner to all Jnterests and purposes Whatsoeuer, as the Said Councill by virtue of his Majesties Letters pattents may or can grant To HAUE AND to hold the said Tract and tracts of Land and all and Singuler y^e^ premisses aboue mentioned, to be granted with their & euery of their appurtenances to the said W^m^ Bradford his heires associates and assignes for Euer to the Onely proper and absolute vse and behoof of the s^d^ W^m^ Bradford his heires Associates and assignes for Euer. Yeilding and payeing unto Our lat Soueraigne Lord the King his heires and Successors for Euer One fifth part of the Oare of the Mines of Gold and Siluer, and one other fifth part thereof to the president and Councill, which shall be had possest & obteined within the precincts aforesaid for all Seruices & demands Whatsoeuer And the said Councill Do further Grant And agree to and With the said W^m^ Bradford his heires associates and assignes and Euery of them his and their ffactors Agents Tenants and Seruants and all such as he or they shall send or Jmploy about his s^d^ perticular Plantation Shall and may from time to time freely and Lawfully Trade and trafique as well with the English as any of the Natives within the precincts afores^d^ with Liberty of ffishing upon any Part of the Sea

Coasts and Sea Shores of any of the Seas or Jslands aJacent & not being Jnhabited or otherwise disposed by order of the said president and Councill & also to Jmport Export and transport their Cattle and Merchandize att their Will & pleasure paying Onely such Duty to the Kings Majestie his heirs & Successors as the said president and Councill doe or ought to pay, without any other taxes Jmpositions Burdens or Restrictions upon them, to be Jmpressed, And further the said Councill doe grant and agree, to & with the said W^m^ Bradford his heires Associates and Assignes, that the Persons transported by him or any of them shall not be taken away Jmployed or Cōmanded Either by the Gouernour for the time being of New England or by any other Authority there from the Bussiness and Jmployements of the said W^m^ Bradford and his Associates his heires and assignes; Nessasary deffence of the Country Preseruation of peace Supresseing of tumults with in the Land, Tryalls in matters of Justice by appeall upon a Speciall Occassion onely Excepted, also it shall be Lawfull and free for the said W^m^ Bradford his associates heires and assignes att all times hereafter to Jncorporate By some usuall and fitt name and title him & themselves or the people there Jnhabiting under him or them, with Liberty to them and their Successors from time to time to frame and make Orders Ordinances and Constitutions as well for the better gouernmen^t^ of their affaires here and the Receiuing or admitting any to his or their Society, as Also for the better Gouernment of his or their People and affaires in New England or of his and their people att Sea in goeing thether or Returning from thence and the Same to be put in Execution by such Officers and Ministers as he and they shall Authorize and Depute Provided the said Laws and Orders be not repugnant to the Lawes of England or the forme of Gouernm^t^ by y^e^ President and Councill hereafter to be Established; And further itt shall be Lawfull and free for the said W^{m} Bradford his heires Associates and Assignes to transport Cattle of all kinds and powder Shott Ordinances and amunition from time to time as shall be necessary for their Strength and Safty hereafter; for their Seuerall Deffences and Safty to Encounter Expulse repell and resist by force of Arms as well by Sea as by Land by all Wayes and means whatsoeuer, And by Virtue of Authority to us deriued by his Late Majesties Letters Pattents To take apprehend Seize and make prisse; of all such persons their Shipps and goods as shall attempt to Jnhabit and trade with the Saluages people of that Country within the Seuerall precincts and Limitts of his and their Seuerall plantacõns or shall Jnterprisse or attempt att any time destruction Jnuasion detrement or annoyance, to his or their plantations the one moyety of which goods so Seized or taken it shall be Lawfull for the Said W^{m} Bradford his heires Associates and assignes to take to their Owne use and behoofe and the other moyetie thereof to be deliuered by the said W^{m} Bradford his heires associates and assignes to such Officers as shall be appointed to receiue the same for his Majesties Vse And the said Councill doe hereby Couenant and Declare that is their Jntent and meaning for the good of the plantations that the said W^{m} Bradford his heires associates his or their heires and assignes shall haue and Jnjoy whatsoeuer priuiledge or priuiledges of What Kind so Euer as are Expressed or intended to be Granted in and by his said Late Majesties Letters Pattents and that Jn as Large and ample manner as the said Councill thereby now may or hereafter Can grant (Coyning of money Excepted) and the Said Councill for them and their Successors Do Couenant and grant to & with the said W^{m} Bradford his heires Associates and assignes by these presents that they the said Councill shall att any time hereafter upon Request, att the onely proper Charge and Costs of the said

W^{m} Bradford his heires associates and assignes Do make Suffer Execute and Willingly Consent unto any other Act or Acts Conueyances assurance or assurances, whatsoeuer; for the good and perfect Jnuesting assureing and Conueyeing and Sure making of all the aforesaid Tract or Tracts of Lands Royaltyes mines and Mineralls Woods ffishings and all & Singular their appurtenances unto the said W^{m} Bradford his heires associates and assignes as by him or them or his or their heirs and Assignes or his or their Councill Learned in the Law shall be deuised aduised or required and Lastly Known Ye that wee the Councill haue made Constituted and Deputed authorized and appointed, Capt^{n} Miles Standish or in his absence Edward Winslow, John Howland and John Alden or any of them to be Our true and Lawfull Attorney & Attorneys Joyntly & Seuerally in Our Name and Steed to enter into the said Tract or Tracts of Land & their premisses with their appurtenances or into Some part there of in the name of the whole for Us and in Our name to take possion and Seizen there of and after such possession & Seizen thereof or Some part thereof in the Name of the Whole, had and taken there for Us and in Our Names to deliuer the full and peaceable possession and Seizen of all & Singular the s^{d} mentioned to be granted premisses unto the said W^{m} Bradford his heires associates and assignes or to his or their Certaine attorney in that behalf Ratifieing allowing Confirming all whatsoeuer Our said attorney shall doe in or about the premisses Jn Witness whereof the Councill established att Plym^{o} in the County of Deuon for the Planting ruling Ordering and Gouerning of New England Jn America haue hereunto put their hand and Seale this thirteenth Day of January in the fifth yeare of the Reigne of our Soueraigne Lord Charles by the Grace of God King of England Scottland ffrance & Jreland y^{e} Deffender of the faith y^{e} Anno Domini 1629./

Robert Warwick L. S.

XXII.

GRANT OF LAND NORTH OF THE SACO TO THOMAS LEWIS AND RICHARD BONIGHTON BY THE GREAT COUNCIL FOR NEW ENGLAND.

FEBRUARY 12/22, 1629/30.

Sources.

The grant to Thomas Lewis and Richard Bonighton of land on the north side of the Saco River, February 12/22, 1629/30, by the Great Council included the area now occupied by the city of Saco.

The original parchment grant is in the archives of the Maine Historical Society. It was printed by James Phinney Baxter, compiler "Baxter Manuscripts," in "Documentary History of Maine," Maine Historical Society, Series II. "Collections," IV., 1-4. An early transcript is in the Massachusetts Archives, III., 149-151. A copy of the original was recorded at York, ${}^{\text{March } 29}_{\text{April } 8}$, 1672, and is found in "York Deeds," II., fols. 110, 111. It was first printed by George Folsom, "History of Saco and Biddeford" (Saco, 1830), Appendix B, 315-317.

The text adopted is the original document which has been made available by the courtesy of Mr. Hubbard W. Bryant, librarian of the Maine Historical Society.

Text.

To all Christean people, to whome this Present writeing Indented shall come/ the Counsell for the affayres of New England in America send greeteing. In our Lord God euerlasting. Where as King James of famous Memory, late King of England, Scottland, France & Ireland, by his Highness letters Patents, & Royall Grant vnder the great seal of England, beareing date the 3^{d} day of Novemb^{r} In ye eighteeñ yeare of his Reign of England, France & Ireland &c ; for the causes y^r^ in expressed did absolutely giue grant & Confirme vnto the s^d^ Counsell for the affayres of New England in America & thejr successossors for euer, all the Land of New England, lijng & being from fourty to forty eight degrees of Northerly latitude & in length by all that breadth aforesd from sea to sea through out y^e^ mayn land togeather with all the woods waters, Rivers soyles hauenes, harbours Yslands & other Co͞moditys w^t^soeuer therevnto belonging, with diverse other priuiledges Preheminences profetts & libertys, by sea & Land, as by the sayd letters Pattents amongst other things Contayned, w^r^vnto due relation being had, more at large It doth & may appeare; Now know yee that y^e^ sayd Counsell for the affayres of New England In America, as well for & In consideration that Thomas Lewis Gentle͠: hath already been at the Charge to transport himselfe & others to take a vew of New England in America, aforesd, for the bettering of his experience in aduanceing of a plantation, & doth now wholly Intend by gods assistance with his Associates to plant there, both for the good of Majesty's Realmes & dominions, & for the propagation of Christean religion amongst those Infidells, & In consideration alsoe y^t^ the sayd Thomas Lewis, togeather with Cap^t^ Richd Bonighton, & alsoe with there assotiates & Company have vndertaken at thejr own proper Costs & Charges to transport fiuety Prsons thither with in seaven yeares next Insewing, to plant & Inhabitt there, to y^e^ advancement of the Generall plantation of y^t^ Country, & the strength & safety y^r^ of amongst the Natiues or any other Invaders: Alsoe for the Incoragement of the sd Thom^s^ Lewis, & Cap^t^ Ric: Bonighton & other Considerations the s^d^ Co͂nsell there vnto moueing, haue given granted Infeoffed & Confirmed, & by this Prsent writeing, doe fully clearly & absolutely give grant Infeoff & Confirme vnto the sayd Thomas Lewis & Cap^t^ Ric: Bonighton thejr heyres & Assignes for ever:

All that part of the Mayn Land In New England In America aforesd, commonly Called or known by the name of Swanckadocke, or by w^t^soever other name or names the same is or shall bee hereafter Called or known by, scituate lijng & being between the Cape or bay com̄anly called Cape Elizabeth & the Cape or bay com̄anly called Cape Porpus Conteyneing In breadth from North East to South West along by the sea foure Miles In a streight lyne, or accompting seaventeen hundred & three scoore yards according to y^e^ standerd of England, to every mile, & eight English miles vpon the Mayn Land on the North side of the River Swanckadock after the same rate, from the sea through all the breadth aforesayd, togeather with all the Shoares, Cricks, bays Harbours & Costs alongst the sea, with in y^e^ lymitts, & bounds aforesd, with the woods & Yslands next adioyneing to the sd Lands, not being already granted by the sd Counsell, vnto any other Prson or Prsons, togeather alsoe with all the Lands Rivers Mines Mineralls of what kind or nature soeuer woods quarries, Marshes waters Lakes, fishings huntings haukeings fowlings Com̄oditys Emoluments, & haeriditaments whatsoeuer, with all & singular thejr & every of thejr appurtenances in or with in the lymitts or bounds aforesayd, or to the sayd Land lijng with in the sayd Lymitts or bounds belonging, or in any wise app^r^tayneing: To haue & to hould all & singular y^e^ sayd Lands & Premisses, with all & singular the woods quarries Marshes Waters Rivers, Lakes, fishings, fowleings, Hawkines Huntings, mines Mineralls of what kind or nature soever, priviledges Rites Iurisdictions, lybertys Royaltys & all other pfetts, commoditys Emoluments, & hereditaments w^t^soever, before in & by these Presents, given & granted, or here in ment, mentioned or Intended, to bee hereby given, or granted with thejr & every of thejr appurtenances & every part & Prcell thereof (except before excepted) to ye onely proper vse & behoofe of the sd Thomas Lewis, & Capt Richard Bonighton, thejr heyres Assotiates & assignes for ever, vnto the sd Tho: Lewis & Capt Richd Bonighton thejr heyres Assotiates & assignes for ever/ Yeilding & paijng vnto or Soveraign Ld the King, one fifth part of gould & silver oare, & another fifth part to the Counsell aforesayd, & thejr successors: to bee houlden of the sd Covnsell & yr successors by the rent hereafter in these Prsents reserved Yeilding & paijng therefore yearly for ever vnto the sayd Counsell thejr successors or assignes, for every hundred acres of the sd Land in vse Twelue peence of Lawfull mony of England (Into the hands of the rent gatherer (for the tyme being) of the sayd Counsell thejr heyres or successors for all scervice whatsoeuer: And the sayd Counsell for the Affayres of New England in America aforesd, do by these Prsents nominate, depute, authorize appoynt & in thejr place & steade putt Williã: Blackestoon of New England aforesd Clerke, William Jefferys & Edw: Hilton of the same Gentlẽ: & either or any of them Joyntly or severally, to bee thejr true & Lawfull Atturney or Atturneys, & in thejr name & stead to enter into the sayd part or portion of Land, & other the ꝑmisses, with the appurtenances by these Prsents, given & granted, or into some part there of in the name of the whoole, & peaceable & quiett possession & seazin there of for ym to take & ye same soe had & taken in yr names & stead to deliver possession & seazin there of vnto the sd Thomas Lewis & Capt Richard Bonighton, thejr heyres Assotiates & assigñ according to the Teñor forme and aeffect of these Prsent, ratifijng confirming & allowing all & wtsoever the sayd Atturney or Atturneys or either of them shall doe In or about ye ꝑemisses by vertue here of; In witness wrof the sayd Counsell for the affayres of New England aforesayd, haue here vnto caused thejr comãn Seale to bee putt yeovon the Twelfth day of ffebrua: Año

Dom̃: 1629: & In the fifth yeare of the Reign of our Soueraign Ld Charles by the grace of god King of England Scottland France & Ireland Defendr of the faith &c:
R: Warwicke Edw: Gorges/

June 28: 1631:

Possession Levery & seazin had & Delivered by the with in named Edw: Hilton Gentlẽ: one of the Commissioners nominated by the Lords of ye Consell for ye affayres of New England, vnto ye with in named Thomas Lewis Gentle

In ye ꝑsents & sight of the Prsons vnder named/
Tho: Wiggin James Parker/
Henery Watts/ George Vãhan/

This is a true Coppy of a Pattent exhibited by Mr. John Bonighton vnto the commissioners of the Generall Court, being examined yr with word for word Attests/
9: 5th mo 1660 Thomas Savage

A true Coppy of this Pattent transcribed out of a coppy of ye originall Attested by Capt Tho: Sauage/ & yr with compared word for word this 29th of March 1672: p Edw: Rishworth ReCor:

XXIII.

GRANT OF LAND SOUTH OF THE SACO TO JOHN OLDHAM AND RICHARD VINES, BY THE GREAT COUNCIL FOR NEW ENGLAND.

FEBRUARY 12/22, 1629/30.

Sources.

The grant to Oldham and Vines of land on the south side of the Saco, February 12/22, 1629/30, by the Great Council, included the area now occupied by the city of Biddeford.

The original document was recorded at York, July 19/29, 1643, and is found in "York Deeds," I., Part II., folios 7, 8. A copy from the manuscript deeds was printed by George Folsom, "History of Saco and Biddeford" (Saco, 1830), Appendix B, 317-319.

This reprint of the grant is from the "York Deeds."

Text.

To all Christian people to whome this p^{r}sent writeing Indented shall come The Councell for the affaires of New England in America send greeting in our Lord God euerlasting. Whereas king James of famous memory late King of England Scotland ffrance and Ireland by his highnes l̄res Patte[nt]s and Royall grant vnder the greate seale of England beareing Date the third Day of Nouember in the eighteenth yeare of his Raigne of England, ffrance and Ireland, for the causes therein expressed, did absolutely giue grant and confirme vnto the said Councell for the affaires of New England in America and their successors for euer All the land of New England in America lyeing and being from forty to forty eight Degrees of northerly latitude And in length by all that breadth aforesaid from sea to sea through out the Mayne land Together wth all the woods, waters, Riuers, Soiles Havens harbours Islands and other com̄odities whatsoeuer therevnto belonging, wth Diuers other priuiledges, p^{r}heminenc̃s profitts and liberties by sea and land as by the said l̄res Pattents (amongst other things contained whereunto Due relac̃on being had) more at large it Doth and may appeare, Now know ye that the said Councell for the affaires of New England in America Aswell for and in considerac̃on that John Ouldham Gent̃ a planter in New England in America aforesaid and other his seruants haue for these six yeares now last past liued in New England aforesaid, And for that the said John Ouldham hath heretofore at his owne proper costs and charges transported thither and planted there Diuers psons and hath for the effecting of that soe good a worke vndergone greate labour and Dangers And in consideration alsoe, that the said John Ouldham together wth Richard Vines Gent̃ and their heires Associatts and company haue vndertaken at their owne costs and charges to transport fifty psons thither in the space of seauen yeares now next ensueinge, to plant and inhabite there, to the aduancement of the generall Plantac̃on of that Countrey, and the strength and safety thereof, against the natiues or any other invaders, alsoe for the better encouragement of the said John Ouldham Richard Vines and other their associats and assignes, and other good causes and considerac̃ons the said Councell therevnto moueinge Haue giuen granted enfeoffed and confirmed, and by this their prsent writeinge Doe fully clearly and absolutely giue, grant enfeoffe and confirme vnto the said John Ouldham and Richard Vines their heires and assignes for euer, all that pte of the Mayne land in New England aforesaid comonly called or knowne by the name of Swackadock, or by whatsoeuer other name or names, the same is or shalbe hereafter called or knowne by, scituate lyeinge and being betweene the Cape or bay comonly called Cape Elizabeth, and the Cape or bay com̄only called Cape porpus, containeing in breadth from northeast to southwest along by the sea ffowre miles in a straight line, accounting seaventeene and threescore yards (according to the standard of England to euery mile, and eight English miles vpp into the Maine land of the south south side of the Riuer Swackadock after the same Rate from the sea through all the breadth of ffoure miles aforesaid Together wth all the Shoares, Creekes, Bayes, harbours and coasts alongst the sea within the limitts and bounds aforesaid, with the woods and Islands next adioyneing to the said lands not being already granted by the said Councell vnto any other pson or psons, Togeather alsoe wth all the lands Riuers, Mines, mineralls of w^{t} kind or nature soeuer, woods, quarries, marshes, waters, Riuers, lakes, ffishings, huntings, hawkings, ffowleings, Commodities, emoluments and heriditaments whatsoeuer with all and singular their and every of their appurt̃nances in or within the limitts and bounds aforesaid or to the said lands, lyeing with in the same limitts or bounds belonging or in any wise appertaineing. To haue and to hold all and singular the said lands and p^{r}misses, wth all and singular the woods, quarries, marshes, waters, Riuers, lakes, ffishings, ffowleings, hawkings, huntings, Mines, Mineralls, of what kind or nature soeuer, priuiledges, rights, Jurisdic̃c̃ons, liberties, Roialtyes, and all other profitts, commodities emoluments and heriditaments whatsoeuer before in and by theis p̃nts giuen and granted, or herein meant menc̃ond or intended to be hereby giuen or granted wth their and euery of their appurt̃nãnces, and euery ꝑte and ꝑcell thereof except before excepted vnto the said John Ouldham and Richard Vines their heires associats and assignes for euer, to the only proper vse and behoofe of the said John Ouldham Richard Vines their heires Associats and assignes for euer, yeilding and payinge vnto our soueraigne lord the King one fift ꝑte of gould and siluer oares, and another fift ꝑte to the Councell aforesaid and their successors To be holden of the said Councell and their successors by the rent hereafter in theis presents reserued, yeilding and payeing therefore yearely for euer vnto the said Councell their successors or assignes for euery hundred acres of the said land in vse twelue pence of lawfull money of England into the hands of the rent gatherer for the time beinge of the said Councell their successors or assignes for all seruice whatsoeuer/ And the said Counsell for the affaires of New England aforesaid Doe by theis p̃nts nominate Depute, authorize appoint and in their place and steed put William Blackstone of New England aforesaid Clerke, William Jefferris and Edward Hilton of the same place gentlemen and either or any of them ioyntly or seuerally to be their true and lawfull atturney or atturneyes and in their name and steed to enter into the said ꝑte or porc̃on of land and other the p^{r}misses with appurt̃nances by theis p̃nts giuen and granted, or into some ꝑte thereof in the name of the whole, and peaceable and quiett possesion and seisin thereof for them to take, and in the same soe had and taken in their name and steed to Deliuer possession and seisin thereof vnto the said John Ouldham Richard Vines their heires, associats, and assignes accordinge to the tenor forme and effect of theis p̃nts, Ratifieing confirmeing and allowinge, all and whatsoeuer the said atturney or atturneyes or either of them shall Doe in or about the p^{r}misses by virtue thereof. In wittnes whereof the said Councell for the affaires of New England aforesaid haue herevnto caused their Com̄on seale to be putt yeouen the twelueth Day of ffebruary, Anno Dom̄ni 1629, And in the fift yeare of the raigne of our soueraigne Lord Charles by the grace of God of England Scotland ffrance and Ireland Defender of the faith &c :

Ro : Warwicke : Ed : Gorges : fferd : Gorges
Tho. Smith :

XXIV.

EXTRACT FROM THE MUSCONGUS PATENT BY THE GREAT COUNCIL FOR NEW ENGLAND.

MARCH 13/23, 1629/30.

Sources.

The grant of lands at Muscongus to John Beauchamp and Thomas Leverett by the Great Council, March 13/23, 1629/30, has also been known as the "Lincoln Grant" from the English residence of one of the grantees, and later it was called the "Waldo Patent."

The patent was destroyed by fire about 1833 after it came into the possession of the Knox family. It had been recorded at York, "according to ye Origanall" January 17/28, 1721. Although the York record shows signs of carelessness, and is incomplete, it is the source from which other existing copies have been taken, unless that of William White, "A History of Belfast, with Introductory Remarks on Acadia" (Belfast, 1827), Appendix II., 98-100. An "abstract" was printed by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 304, 305; an attested copy is in Joseph Williamson, "History of the City of Belfast in the State of Maine, from Its First Settlement in 1770 to 1875" (Portland, 1877), 37, 38.

The text adopted is from the "York Deeds," X., fol. 236.

Text.

To all to whom these Presents Shall Come Greeting Know y^{e} y^{t} y^{e} Counsell established at Plimoth in y^{e} County of Devon for y^{e} planting Ruling Ordering and Governing of New England in America for divers good Causes & Considerations them thereunto especially moving Have given granted Bargained Sold Enfieffed allotted and Sett over & by these presents do clarly & absolutely give grant Bargaine Sell alliene enfiffe allott & assigne & Confirm unto John Beauchamp of London Gentlemen, & Thomas Leverett of Boston in y^{e} County of Lincorn gen^{t} their heirs associates & assigns all & Singular those lands Tenements & hereditiments whatsoever with y^{e} appurtenances thereof in New England afores^{d} which are Cittuate Lying & being within or between a place thence Commonly Called or known by y^{e} name of Musrongruss towards y^{e} South orr Southwest & a strait line Extending from thence directly ten Leaugs — up — into y^{e} Maine land & Contains thence toward y^{e}

great Sea Comonly Called ye South Sea & ye utmost Limits of ye space ten Leauges — — — —
on ye North and North East — of a River in New England aforesd Commonly Called Penobscott Towards ye North & Northeast & ye great Sea Commonly Called ye westarn ocean, towards ye east & astait & direct line extending from ye most westeran part & Point of ye Sd Straight line which extends from Mecongoss aforesd towards ye South Sea to ye uttermost northeram limmits of ye Sd ten leagues on ye North side of ye Sd River of, Penobscott towards ye west & all land & ground wood Soiles River waters Fishings Herredittments Profitts Commodityes Priviledges Fraimchises — & Emoliments whatsoever Situate Lying & being arising happening or Remaining or which Shall arise or Remain within ye Limmits & bounds aforesd or any of them together with all Sd land yt ly & be within ye Space of Three miles within ye Space of sd land & pmisses or any of them to have & to hold all & Singulary ye Sd land Teniments & hereditments & pmisses whatsoever with ye appurtanances & every part & parcell thereof unto ye Sd John Beauchamp & Thomas Leverett their heirs associates & assigns forever to their only proper & absolute use & behoofe of ye sd Jno Beauchamp & Thos Leverett their heirs associates & assigns forevermore to be Holden of ye Kings most Exellent Majesty & Successors as of his manner of East greenwich by ffealtie only & not in Capite nor by length of Service Yielding & paying unto his majesty his heirs & Successors ye fifth part of all Such Oare of Gold & Silver yt Shall be gotten & obtained in or upon ye pmisses or any part thereof In Wittness whereof ye sd Counsell established at Plymoth in ye County of Devon for ye Planting Ruling ordering and Governing of New England in America have hereunto putt ye Common Seal ye Thirteenth day of March in ye first year of ye Reign of our Soveraign Lord Charls by ye Grace of God

King of England Scotland France & Irland Defender of y^{e} Faith &c. Anno Domini 1629.

R. Warwick.

Seal

Recorded according to y^{e} Oraganall Jan^{ry} 17th 1721.
p Abra^{m} Preble Reg^{r}

XXV.

GRANT TO CLAUDE LA TOUR, BY SIR WILLIAM ALEXANDER.

$\substack{\text{APRIL 30}\\\text{MAY 10}}$, 1630.

Sources.

The grant of lands on the coast of La Cadie, extending from Canso to New England, was made by Sir William Alexander to Claude La Tour and son, $\substack{\text{April 30}\\\text{May 10}}$, 1630. Although the transaction was of so little importance to the grantor that no reference to it is found in his own works, it was nevertheless the basis of a subsequent grant by Cromwell to Charles La Tour; it is therefore included in this collection of documents, relating to Maine history.

The original French deed, with an English translation, was recorded in Boston, $\substack{\text{August 24}\\\text{September 3}}$, 1659, in order to secure an English registry, because Acadia had become subject to England by the advantages gained by Sedgwick in 1654. The document was first printed by Ebenezer Hazard "Historical Collections" (Philadelphia, 1792), I., 294-298. The English translation is in "Suffolk Deeds," III., folio 276, and the French instrument of the same date is in folios 272-275. Among other documents proving the English claim to Acadia there is also recorded the patent by which Alexander conferred the title of baronet on La Tour, 1629/30.

The text adopted is the English translation in the "Suffolk Deeds."

Text.

In the name of God Amen know all those who these Lett^{rs} Pattents shall see or shall heare read, that vpon this p^{r}sent thirtie day of Aprill in the yeare of our Lord one thousand Sixe hundred and thirtie before me Josh Maynet Notary & Tabellion Royall dwelling in London Admitted and sworne by the Authoritie of o^{r} Soūaigne Lord the King, & in the p^{r}nce of the witnesses, herevnder named were p^{r}sent in pson My Lord W^{m} Allexander Knight Lord of Menstrie & Cheife Secretary of State for the Kingdome of Scotland for his said Ma^{ties} of great Bretany privy Counsello^{r} of State, & Leiu^{t} vnto his said Ma^{tie} in New Scotland in America on the one pt who haueing by Lett^{rs} Pattents, from his said ma^{tie} under the great seale of Scotland, the Donation of all the Said Countrey of New Scotland called by the french the Countrey of Accadye, in America, vnto him & his heyres in ffief & ppetuall inheritance, bearing date the tenth of the Moneth of September in the yeare One thousand Sixe hundred twentie & one, he hath out of the respect & amitie w^{ch} he beareth vnto S^{r} Claude de Sainct Estienne Knight Lord of La Tour & of Vuarre, & Vnto Charles de Sainct Estienne Esq^{r}, Lord of Saint Denicourt his Sonne on the other p^{t} the Said S^{r} Claude de S^{t} Estienne being p^{r}sent accepting & by these p^{r}ñts Stipulating for his Said Sonne Charles being absent & for their heyres, & as well for the merit of their psons & for theire assistance to the better discovery of the said Countrey, & vpon other consideracõns, the said Lord Allexander hath giuen & by these p^{r}ñts, franckely & freely doth giue vnto the said Knight de La Tour & vnto his said Sonne & vnto theire heyers, they seeing Cause ppetually & for euer to dispose of as of theire owne proprietie, true & Loyall acquest, & Conquest all the Country Coasts & Islands, from the Cape & River of Ingogon nere vnto the Cloven Cape in the said New Scotland

Called the Countrey & Coast of Accadye, following the Coast & Islands of the said Countrey towards the East vnto Port de La Tour formerly named L'omeroy & further beyond the said Port ffollowing along the said Coast vnto Mirliquesche nere vnto & beyond the Port & Cape of L Heue drawing forward fifteene leagues within the Said Lands towards the North, of all the w^{ch} said lands & seas the said Knight de la Tour & his sonne shall receiue all the fruicts, profits emoluments that may provene generally and whatsoeuer as of theire owne proper & loyall acquest in all right & Jurisdic̃con & priviledges whatsoeu^{r} as much or more then any Marquis, Earle or Baron holds or rayseth from the Crowne of Scotland, according to the Lawes or Lett^{rs} Pattents vnto the said Lord Allexander, & vnto them graunted by the Kings of Scotland, within the w^{ch} Countrey, Lands & seas aboue named, they may make build & erect villages, Townes, & Castles & ffortresses as they shall see good, w^{ch} said Knight de La Tour, and his said Sonne shall hold & enjoye, all the said Countrey here aboue within the said Limitts named from the King & the succession of the said Crowne of Scotland in ffief &, title of honnor & right of inheritance with the said S^{r} W^{m} Alexander to them by vertue of the power to him by the said Pattents giuen hath erected and entitled by two Barronnies, namely the Baronny of Sainct Estienne & the Baronny of de La Toure, w^{ch} may be Limitted & bounded equally betweene the said Knight de La Tour & his Said Sonne, if they shall see cause, vpon Condition that the said Knight de la Tour, & his said sonne, as he hath ꝑmissed & for his Said Sonne by these p^{r}ñts doth ꝑmisse to be good & faithful Vassalls of the said Sov^{r}aigne Lord the King of Scotland & theire heyres and successo^{rs}, & to giue vnto him all obedjence & assistance to the reduceing of the people of the said Countrey & to entertaine good

Amitie & Correspondency with the said Lord Alexander & his heyres, and all his subjects w^{ch} there shall be planted & resident, & shall maintaine good & faithfull Societie & Vnion & the respect due vnto the said Lord Alexander as vnto the Leiu^{t} of the King, the said Lord Alexander ꝑmissing also on his part Amitie Societie Correspondency assistance & protection from his said Ma^{tie} & from him selfe his Leiu^{t} ffurthermore & over & aboue the said Lord Allexander graunteth vnto the said Knight de La Tour & vnto his said Sonne & vnto theire heyres & successo^{rs} & Assignes for euer the right of Admiraltie in all the extent of theire said Lands & Limitts The said Lord Allexander & Knight de La Tour to hold & fullfill the Contents of what is aboue, without euer in any sort whatsoeuer violating thereof vpon the obliging of all theire goods p^{r}ñt & to come & vpon the pænaltie of the Ordinances appointed by the Lawes Established on the one p^{t} & the other to the violation hereof, the said Lord Allexander ꝑmissing over & aboue to make or Cause to be made more ample Writing in good & due forme, according and Conformably vnto the said Lett^{rs} Pattents vnto him graunted by his said Ma^{tie}, whereof a Coppie Collationed with the Originall shall be giuen vnto the Said Knight de La Tour & his said Sonne & the said Lord Allexander shall cause these p^{r}ñts to be agreed vnto, & ratifyed by his said Ma^{tie} vnder the great Seale of Scotland, if need shall require, in witnes of the truth hereof there are two writtings of the same tenor made & jndented w^{ch} each ꝑtie hath respectiuely signed sealed & delivered, this made & passed in Martins Lane nere vnto this Cittie of London in the p^{r}ñce of s^{r} Allexander Strachan Baronet of Thornton, George Angush Peter James & Rich^{d} Grimes witnesses herevnto Called & admitted

Signed W Alexander a litle seale

In testimony of the p^{r}misses I the aboue named Notary being required haue Signed this p^{r}ñt instrm̃^{t} wth my manuall vsuall: signe I doe approve of these words (theire heires & Rich: Grimes) being interlyned

A Strachan
Rich Grames
the m^{r}ke A of
George Angush

A Great Seale in green wax affixed and pendant below

Peter James

endorced

Wee the vndersigners doe Certifie that Josh: Maynet who hath vndersigned this instrum^{t} here before, written with his owne hand is a Notary Royall dwelling at London by the Authoritie of the King our Soveraigne sworne and admitted, & that full faith & Credit ought to be giuen both in judgem̃^{t}, & out of the same vnto the acts & jnstrum̃^{ts} & other writings by him so vndersigned —

made at London the 30th day of Aprill 1630
Carolus Demetrius Not̃ pub^{cus}
Tho: de wainter Not̃ pub^{cus}

This deede before mentioned being translated hath beene read & Comped wth y^{e} Originall in french by me, & I finde it no way differing in substance y^{r} from 27 : 6 : 1659.

Jo: Endecott Gov^{r}

This deede so translated is Entred & Recorded in the booke of Reccords for the County of Suffolke in New England at Request of the sajd Joshua Scottow Attourney to S^{t} Charles de S^{t} Estienne Lord of La Tour Barronet of New Scotland word for word Compared wth the originall this 24th of August 1659.

p Edw. Rawson Recorder

XXVI.

NOTES ON THE LYGONIA GRANT BY THE GREAT COUNCIL FOR NEW ENGLAND.

$\substack{\text{June } 26\\ \text{July } 6}$, 1630

Sources.

Of the grant of land by the Great Council $\substack{\text{June } 26\\ \text{July } 6}$, 1630, under the title of the Province of Lygonia but little is known from contemporary records. The names of the grantees and the exact date are best supplied by a document in the possession of the Maine Historical Society, "Abstract of the Title of Edward Rigby to the Province of Ligonia" (Pejepscot Papers, VII., 8 a), which is referred to by Charles Edward Banks in a series of able articles on "The Plough Patent" in "Maine Historical and Genealogical Recorder," 1885.

That a company was formed and sailed for New England in the ship Plough is known from John Winthrop, "History of New England," edited by J. Savage (Boston, 1825-26), I., 69-72; and from letters published in "Winthrop Papers" Massachusetts Historical Society, "Collections," Series IV. VII., 88, 89.

The name, Lygonia, was bestowed on the province in honor of Cicely Lygon, mother of Sir Ferdinando Gorges. The common designation, Plough Company, or Plough Patent, was probably from the ship which conveyed the company of "familists" to New England, although James Sullivan, "History of Land Titles in Massachusetts," suggests the tenure "in free and common *soccage*," or *by the plough* may have given rise to such an appellation.

In 1643, when the survivors of the original grantees sold the province of Lygonia to Sir Alexander Rigby, the patent which, according to Hubbard, had been in the hands of Richard Dummer, of Newbury, as agent of the company, was "ordered home," and no trace of it has since been discovered. In 1677/8, the purchase of the Province of Maine by Massachusetts extinguished all claims arising under the Plough Patent.

"The Abstract of the Title of Edward Rigby" was drawn up in 1686 by George Turfrey, who was the attorney of Edward Rigby, grandson of Sir Alexander Rigby. Banks draws attention to the disparity of statements between Turfrey and contemporary writers in certain particulars. The document however throws some light on the early history of the province of Lygonia, and is accordingly inserted under the belief that this is the first time it has been printed.

Text.

King James the First, by Letters Patents in the 18th year of his Reign grants unto the Duke of Lenox, the Earle of Warwick, Sr Ferdinando Gorges & als all the Tract of Land called New England in America, incorporating them into a Body Politique to be known by the Name of the Councill of Plymouth, giving them Power to grant Plantations, make Laws &c. 1620 Nov. 3

The Earle of Warwick, Sr Ferdinando Gorges for themselves & the rest of the Councill of Plymouth, by Indents dated 26th June in the Sixth year of the Reign of King Charles the First, Grant unto Bryan Bincks, John Dye, John Smith & others their Associates their heirs & Assigns for Ever, Two Jslands in the River Sagedahock, near the South Side thereof about 60 miles from the Sea & also all the Tract containing 40 miles in Length & 40 miles in breadth upon the South side of the River Sagedahock, with all Bayes, Rivers, Ports, Inletts, Creeks &c together with all Royalties & Priviledges within the Precincts thereof calling the same by the Name of the Province of Ligonia with power to make Laws &c. 1630 June 26

In the Year 1630, The Sd Bryan Bincks, John Smith & others, Associates go personally into New

England & settle themselves in Casco Bay near unto the South Side of Sagedabock, & lay out considerable Sums of Money in planting there, & make laws & constitutions for the well ruling & governing their S^d^ Plantations & Province.

1640 Apr. 3 15 Car: 1st S^r^ Ferdinando Gorges obtaineth from the King Letters Patents under the Great Seal of England, purporting a Grant to him & his heirs of all the Lands between the River Piscataway & Sagadehock & extending 160 miles from the Sea into the Main Land & that Territory is by those Letters Patents named the Province of Main.

1643 Apr. 7 John Dye & John Smith, Tho: Tupe & other Survivors of Bryan Bincks & others with their Associates Grantees of the S^d^ Province of Ligonia, do grant unto Alexander Rigby of Rigby in the County of Lancaster Esq^r^ & his heirs for ever, the S^d^ Province of Ligonia, with all their Estate interest & claim to the S^d^ Land & Bays & Premises

1644 July 30 Afterwards Alexander Rigby makes several loans and grants of severall parcells of Land within the S^d^ Province of Ligonia to divers persons reserving small Quitrents & imploys much time & expends considerable Sums of money in furthering & promoting plantations there, & he drew up severall constitutions for the well governing of the Inhabitants of S^d^ Province which were about the 30th July 1644 confirmed by the Earle of Warwick & others the Comissioners appointed by Parliament for Foreign Plantations, by which S^d^ constitutions the S^d^ Alexander Rigby his heirs & Assignes are appointed to be President & Presidents of the S^d^ Province of Ligonia.

There arising some differences between the s^{d} Alexander Rigby & John Gorges Son & Heir of S^{d} Ferdinando Gorges concerning the Title & boundaries of the Province of Ligonia & the Province of Maine the same was heard before the Earle of Warwick & the then Comission^{rs} for settling affairs of Foreign Plantations: And they did by a Deed in Writing, Dated 27th March 1646 declare & adjudge, That the Right & Title of the Province of Ligonia was in the s^{d} M^{r} Rigby & his heirs & all the Inhabitants thereof were then commanded to Submit to the Governm^{t} & Jurisdiction of the s^{d} M^{r} Rigby, which all or most of the Inhabitants in Anno 1645 had done, by consenting unto the s^{d} Constitutions then sent them & subscribing their Names thereunto. 1646 Mar. 27th

Alexander Rigby afores^{d} enjoyed the same during his lifetime & dyed Aug 18th 1650, whereby the Premises descended to Alexander Rigby his Son & heir, Who by his Deeds granted the Premises unto Edward Rigby of Grays-Inne in the County of Middlesex Esq^{r}, his younger Brother, his heirs & assignes, Who sent ouer George Cleves Gent^{n} as Deputy President of the same Province. And from time to time supplys them with severall effects, for the better encouragement & promotion of the Inhabitants & Planters. 1650 August 18

The s^{d} Edward Rigby Dyed & then the Premises descend to Edward Rigby his Son & heir. 1686 June 8

Pr George Turfrey Attorney
to the s^{d} Edw^{d} Rigby

Recorded in the Secretaries Office

XXVII.

BLACK POINT PATENT, BY THE GREAT COUNCIL FOR NEW ENGLAND.

November 1/11, 1631.

Sources.

For the patent to Thomas Cammock by the Great Council granting him fifteen hundred acres of land on the east side of the Black Point River (now Nonesuch), November 1/11, 1631, an authenticated copy of the original is among the "Trelawny Papers," in the archives of the Maine Historical Society. It was published in 1884 by James Phinney Baxter, editor "Trelawny Papers," Maine Historical Society, Documentary Series, III., 10-14. The patent was entered at York September 26/October 6, 1670, and is printed in "York Deeds," II., folios 87, 88.

Thomas Cammock was a nephew of the Earl of Warwick, president of the Great Council when the patent was issued. That circumstance doubtless gained other favors for Cammock. March 15/25, 1640/41, Thomas Gorges, the deputy of Sir Ferdinando Gorges, confirmed to him by a new deed all the lands granted by the Great Council, with Stratton's Island in addition, "York Deeds," II., folios 85, 86. A deposition of Francis "Robbinson" in 1670, concerning bounds of patent granted to Thomas Cammock on Mills River and Spurwink River in Maine, is in "Suffolk Deeds," VI., 217, and gives additional value to claims under the Black Point patent.

Cammock died at Barbadoes in 1643, and Margaret, his widow, afterwards married his friend, Henry Jocelyn, the first and only royal magistrate of Maine, who came into possession of the estate.

The text adopted for this reprint is Mr. Baxter's, in the "Trelawny Papers."

Text.

To all Christian Peopell to whome this present writinge Indented shall come, the Counsell for the affaires of

New Ingland in America, Send grettinge in our Lord God Euerlasting: Wher as Kinge James of famous memmory, late Kinge of England, Scotland, ffrance, and Ireland, by his Highnes leters pattents, and Royall grante vnder the greate seale of Ingland, bearinge Datte the 3th Day of Noumber in the Eighttenth yeare of his Raigne of England, France, and Ireland, @c., for the Causes there in Expressed Did Absolutly giue, grante, and confirme Vnto the said Counsell for the Affairs of New Ingland in America, and the Successors for euer, all the land in New England in America, lyinge And beinge from fourty to fourty Eight Degrees of Northerly Lattitude, and in length by all that bredth afore said from Sea to Sea through out the Maine land, to geather With all the Woods, Waters, Riuers, Soyles, Hauens, Harbours, Isle land, and other comodityes what soeuer there two belonginge With Diuers other priueledges, preheminencies, proffitts, and libbertyes, by Sea and land, as by the said letters pattents, A Mongste other thinges Contained, where vnto Due relac̃on[1] beinge had more at large itt doth and maye appeare: Now KNOWE YEE that the said Counsell, by vertue and Authoritie of his said latte Ma^ts lettrs Pattents, and for an In consideration that Cap^t Thomas Camocke and his Associatts haue for these two years last past liued in New England Aforesaid, and haue there Inhabbitted, Planted, and builte in the Countrye off New Ingland aforesaid some Conveniente Houseinge, and for that Hee hath Venttred himselfe, Hasarded his life, and Expended Seuerall Somes of Monny in the More Ample discouerie of the Coast and Harbor of those partes, and is for the Efectinge of soe good A worke minded two vndergoe the ffarther Charge of Settling him selfe, his ffamily and ffrinds, in those partes, in Consideration Whereof, And for the Better Incoragement of the said

---

[1] In the original written *le laton.*

Cap^{t} Thomas Camocke and his said Associatts and Assignes, and other good causes and consideration the said Counsell there vnto Moueinge, Haue giuen, Granted, Allotted, Assigned, and Confermed, and by these presents Doe fully, Clearely, and Abbsolutly giue, grante, Allote, Assigne, and Conferme vnto the said Captaine Thomas Camocke, his Heirs, Associatts, and Assignes for euer, all that one Thousand fiue Hundred Acckers of land Sittuatted and bordering vpon the East side of the Riuer Comonly Called ore known by the Name off the Riuer of Blacke Poynte, ore by whatsoeuer other name ore names the same is ore haue byne ore here affter shalbe Called or knowne, by which the Libberty of fishinge And fouleinge in and vpon the said Riuer of Blacke Poynte Easteward soe farr as the Extente of the lymetts lyeth, together With all the Shoures, Creckes, bayes, ore Hauens, and Coasts, alonge the Sea ore vp in the land with in the bounds and limitts of the said one Thousand fiue Hundred Accarrs of land, with the Woods and Isle lands within the said bounds, together also with all the Mynes, Mynerals, Trade of what Kind or Nature soeuer, Woods, quarries, Marshes, watter Lakes, fishinge vpon the Sea Coast, Huntinges, Hakinges, fouleinges, Commodityes, Emoluments, and Hereditaments what soeuer, With all and singular ther and euery of there Appertinances, in ore with in the Limetts ore bounds Aforesaid, ore to the said land lyinge within the said limetts, ore bounds belonginge ore in Any wise appertaininge, With ffree passage and Repassage two and from the place of Plantation, through the said teritoryes of New England by watter ore by land as his ore ther Occasion shall Require, To haue and to Holde all and singular the said Maine land and premises with all and singular the Woods, quaris, Marshes, watters, Riuers, Lakes, fishinge, fouleinges, Hakings, Huntings, Mynes, Mynerålls, trade of Whatt kind ore nature What Soeuer, Preueliges, Rightes, Jurisdictions, libertyes, Royalltyes, and all other Proffitts, Commodityes, Emoluments, and Heriditements what soeuer befor in and by these presents giuen And granted, or here in Mente, Mentioned, or Intended to be here by giuen ore graunted, with there and euery of there Appurtenances, and euery parte and p'cell thereof, vnto the said Capt Thomas Camocke, His Heirs, Assosiatts, and Assignes for euer, to thonly proper vse and behoufe of the said Cap^t Thomas Camocke, Heirs, Associatts, and Assignes for euer, YEALDINGE and payeinge vnto oure Soueraigne Lord the Kinge one ffifte parte of Gould and Silluer Oare, and another fifte parte to the Counsell Aforsaid and theire Succ̃ssors TO BE HOULDEN of the Counsell and there succesors, by the Rent here After in these presents Reserued, YEALDINGE AND payinge there for yearly for euer vnto the said Counsell, ther succesors ore Assignes, for euery Hundred Accars of the said land in vse twelue pence of laufull Money of Ingland into the Hands of the Rente gatherer for the tyme beinge of the said Counsell, ther Successors ore Assignes, for all seruice what so euer. And the Said Councell for the Afairs of New Ingland afor said, Doe by these presents nominate, Debute, Authorize, and Apointe, and And in there place and stead putt Cap^t Walter Neale, Richard Vynes, gent. and Henry Joslyne, Lififtennatt, all of New England, ore any of them Joyntly ore seuerally, to be there true and lawefull Attornye ore Attornyes, and in there name and Stead to Enter into the said p'te ore Portion of land and other the premises with the Appurtenances by these presents giuen And granted, ore into some parte there of in the name of the whole, and peaceable and quiett possesion and seazon there of for them to take, and the same soe had and taken in there name and stead to Deliuer possesion and season thereof vnto the said Cap^t Thomas Camocke, his Heirs, Associatts, and Assignes, Accordinge to the tennor, forme, and effecte of these presents, Rattifining, Conferminge, and Alowinge all and what soeuer the said Attornye ore Attornyes, Or any of them, shall Doe in Ore Aboutte the premises by Vertue Here of: PROUIDED all wayes that the said Cap^t Thomas Camocke, his Heirs, Associatts, ore Assignes, ore any of them, shall not att any tyme or tymes Here After Allien or Conuaye awaye the said Premises soe giuen and granted as Afor said, ore any parte there of, with out the Consent, or Assent, of the said Counsell, ore the Maior parte of them, or other ther Gouernor settled In those partes for the Gouernmente of those Affaires, first had and Obtained on Writtinge vnder there hands, and Comone seale of them ore of there said Gouernor. AND lastly the said Counsell for the Afairs of New Ingland Aforsaid, for them and there succesors, Doe Couenante and Grante to and with the said Captaine Camocke, his Heirs and Assignes, by these presents shall, If hee, his Heirs Ore Assigns, ore any of them, att any tyme or tymes here After vpon any doubte which the shall conseaue, Conserninge the strength and Vallidity in the Lawe of this there present grante, or elce be Desirous to haue the same Renewed by them or there successors, which amendment of Such Imparfections and Defects as shall appeare fitt and Nessary to him, the said Cap^t Thomas Camocke, His Hirs ore Assignes, to be Reformed and Amended, one the behalfe of them and theire successors, and for the fartheringe of the said plantation and gouernmente, ore the Increase, Continewinge, ore fflorishinge there of, that then vpon pettion of him the said Cap^t Thomas Camocke, his Heirs ore Assignes, to them and there successors, ore Gouernor Aforsaid, made, they the said Counsell And there Successors shall and will forth with make and pase vnder there Common Seale to him, his heirs and Assignes, such further and Better Assurance of all and singulare the Before granted and Recitted Premises, and of Euery parte and parcell there of, with there Apporttanances, accordinge twoe the trewe Intente and Meaninge In this there Grante ore Convayance signified, Declared, ore Menchoned, as by the learned Counsell of them, and there suckesessors, and of him the said Capt Thomas Camocke, his Heirs and Assignes, shalbe Reasonablye in that behalfe Deuized ore Aduized, and that in all questions and Dovbts which shall Arise vpon any Difficulty of Construction ore Interpetation of any thinge menchoned in this there presente Grante, the same shalbe taken and Interpreted in moste Ample and Benifishall manner for him the said Captaine Thomas Camocke, his Heirs and Assignes. IN WITTNESS WHERE OF the said Counsell haue here vnto fixed ther Seale, Datted the first daye of Nouimber, Anno Domini 1631, And in the years of the Raighne our Soueraigne Lord Charles, by the grace of God Kinge of England, Scottland, France, and Ireland, Defender of the ffaith, @ the 7th

This is a true Coppie of Capt Thomas Cammocks Pattent for New Ingland, taken out of the Originall in Plymouth, the 4th of January, 1631, By the speciall leaue and Consent of the said Capt Thomas Cammocke, Examined and agreed on by vs herevnder

Robert Trelawny. Thomas Coga. John Kinge.

XXVIII.

THE PASCATAWAY GRANT BY THE GREAT COUNCIL FOR NEW ENGLAND.

NOVEMBER 3/13, 1631.

Sources.

In respect to the grant and confirmation of Pascataway to Sir Ferdinando Gorges, Captain Mason and others, November 3/13, 1631, the original document is in "Colonial Papers," VI., 28, Public Record Office, London.

The text has been several times printed by John Scribner Jenness, in "Isles of Shoals, an Historical Sketch" (New York, 1875), second edition, Appendix III., 182-185; "Transcripts of Original Documents in the English Archives, Relating to the Early History of the State of New Hampshire" (New York, 1876), 8-14; and in "Notes on the First Planting of New Hampshire and on the Piscataqua Patents" (Portsmouth, 1878), Appendix II., 82-84.

The grant was also transcribed from the original for Charles Wesley Tuttle, compiler, "Capt. John Mason, the Founder of New Hampshire," John Ward Dean, editor, (Prince Society, 1887), 198-204, which is the text adopted.

Text.

This Indenture made the 3d day of Nouem^{r} An^{o} Dm̄ 1631: and in y^{e} 7th yeere of y^{e} Reigne of our Soûaigne Lord Charles by the Grace of God of England Scotland France and Ireland King Defender of the ffaith &c: Betweene the presid^{t}, & Councill of New England on y^{e} one p^{ty} and S^{r} Ferdinando Gorges Kn^{t} Cap^{t} John Mason of London Esq^{r} and their Associates John Cotton, Henry Gardner, Geo. Griffith, Edwin Guy, Thomas Wannerton, Thomas Eyre and Eliez^{r} Eyer on y^{e} other p^{ty} Witnesseth. That whereas our late Soueraigne Lord of famous memory King James for the makeing of a Plantac̄on and establishing of a Colonie or Colonies in y^{e} Countries called or knowne by the name of New England in America, did by his Highnesses Lr̄es patents under the Great Seale of England, bearing Date at Westm̃ y^{e} 3^{d} day of Nou^{r} 1620 giue grant and confirme unto the R^{t} Hon^{ble} Lodwicke Duke of Lenox, Geo. Marques of Buckingham, James L^{d} Marques of Hamilton, Thomas Earle of Arundale, Robert Earle of Warwicke, S^{r} Ferdinando Gorges Kn^{t} and diuerse others whose names are expressed in the s^{d} Lr̄es Pat̄. their Heires and Assignes, that they shalbe one body Politique, and Corporate perpetuall, and that they should haue perpetuall Succession, and one Common Seale or Seales, to serve for the said Body, And that they and their Successors shalbe knowne, called and incorporated by y^{e} name of the presid^{t} & Councill established at Plym^{o} for the planting ruling and gouerning of New England in America, and did of his especiall Grace, certaine knowledge, and mere moc̄on for him his Heires and Success^{rs} give, grant, and confirme unto the s^{d} presid. and Councill and their Success^{rs} under y^{e}, Reservac̄ons, Limitac̄ons and Declarac̄ons in the s^{d} Lr̄es pat. expressed All that part and porc̄on of y^{e} Countrie now commonly called New England w^{ch} is situate, lying, and being betweene y^{e} latitude of 40 gr and 48 of North^{r}ly latitude, Togeather wth y^{e} Seas and Islands lying wth in 100 Miles of any port of y^{e} s^{d} Coasts of y^{e} Countrie afores^{d} And also all y^{e} Lands, Soyles, Grounds, Havens, Ports, Rivers, Mines as well Roy^{ll} Mines of Gold and Silver as other Mines, Min^{r}alls Pearles and precious stones, Woods, Quarries, Marshes, Waters, ffishings, Hunting, Hawking ffowling, Commodities and Hereditam^{ts} w^{t}soever, togeather wth all Prerogatiues, Jurisdic̄ons, Royallties, priuiledges, ffranchises, and Preheminances wthin any of the s^{d} Territories and y^{e} p^{r}cinc̄ts thereof w^{t}soeuer. To have hold possess and enjoy all and singuler the said Lands and prmisses in ye sd Lres pat̃ granted or menc̃oned to be granted unto them ye sd presidt and Councill their Successors and Assign for euer. To be holden of his Matie his heires and Successors as of Hsse owne manr of East Greenwch in the Countie of Kent, in the free and Common Soccage and not in Capite or by Knights Service. Yeilding and paying to the King's Matie his Heires and Successrs the one 5th part of all ye Gold and Siluer Oar that from time to time, and at all times from ye date of the sd Lres pat̃ shalbe there gotten had or obteined for all Services duties or demands as in and and by his Hse Lres pat̃: amongst diṽs other things therein conteined more fully and at large it doth and may appeare, and whereas the sd Presidt and Councill have upon mature deliberac̃on thought fitt for the better furnishing and furtherance of ye Plantac̃on in these parts to appropriate and allott to seūall ꝑticuler ꝑsons diuerse ꝑcells of land wthin the prcincts of the aforesd granted prmisses by his Mats sd Lres pat̃. Now this Indenture Witnesseth that the sd Presidt and Councill of their full free and mutuall consent, as well to ye end that all the lands, Woods, Lakes, louches, Rivers, Waters, ponds, Islands and Fishings, wth all other Traffique, Proffitts, and Commodities whatsoeuer to them or any of them belonging, and hereafter in these ꝑñts menc̃oned may be wholly and entirely invested appropriated seauered and settled in & vpon ye sd Sir fferdinando Gorges Capt. John Mason and their Associates, John Cotton Henry Gardner, George Griffith, Edwin Guy, Thomas Wannerton, Thom: Eyre & Eliezer Eyre as by diuers speciall Seruices by them already done for the aduancement of the sd plantac̃on by makeing of Clapboards and Pipe-staues — makeing of Salt panns, and Salt, transporting of Vines for makeing of Wines searching for Iron Oare being all businesse of very great Consequence for causeing of many Soules, both men, women and boys and store of Shipps to be employed thither, and so in short time to proue a great Nursery for Shipping and Mariners, and also a great helpe to such as in this Kingdome want good Imploym^{t} And further for y^{t} the s^{d} S^{r} fferd: Gorges, Capt. John Mason and their said Associates John Cotton, Henry Gardiner, Geo: Griffith Edwin Guy, Thom. Wannerton, Tho. Eyre and Eliezer Eyer haue by their Agents there taken great paines and spent much tyme in the discouering of the Countrie all w^{ch} hath cost them (as we are credibly Informed) 3000^{l} and upwards, which hitherto they are wholly out of purse, upon hope of doing good in time to come to y^{e} publique, and also for other good and sufficient Causes and Considerac̃ons the s^{d} presid^{t} and Councill especially thereunto moueing, Haue giuen granted bargained sold assigned, aliend, sett ouer enfeoffed and confirmed and by these pñts do giue grant, bargaine, sell assigne, aliene sett ouer enfeoffe and confirme unto the s^{d} fferdinando Gorges Capt John Mason, John Cotton, Hen: Gardner Geo. Griffith, Edwin Guy, Thom. Wannerton Thom Eyere and Eliezer Eyre their Heires and Assignes for ever All that house and chiefe habitac̃on situate and being at Pascataway al̃s Passataquack Bassataquacke in New England aforesaid, Wherein Capt. Walt. Neale and y^{e} Colony wth him now doth or lately did reside togeather wth the Gardens and Corne ground occupied and planted by the s^{d} Colonie, and the Salt workes all ready begun as afores^{d} And also all that porc̃on of Land lying wth in the precinc̃ts hereafter menc̃oned, beginning vpon the Sea coast about 5 miles to the w^{t}ward of or from the s^{d} cheife Habitac̃on or Plantation now possessed by the s^{d} Capt. Walter Neale for y^{e} use of the Aduenturers to Liconia (being in the latitude of 43 degr̃ or thereabouts in the Harbour of Passataquack al̃s Bassataquack aly Passataway, and so forth from y^{e} s^{d} beginning Eastw^{d} & North Eastw^{d} and so proceeding Northw^{ds} or North Westw^{ds} into y^{e} Harbour and River along the Coasts

& Shoares thereof including all the Islands and Islets lying wth in or neere unto the same vpwards unto the head land opposite unto the plantac̃on or Habitac̃on now or late in the Tenure or Occupation of Edwd Hilton, & from thence, Wtwds and South Wtwds in ye midle of the Riuer and through the midle of ye Bay or Lake of Bequacack als Bassaquack or by what other name or names it hath towards the bottome or westermost part of ye Riuer called Pascassockes to the falls thereof, and from thence by an Imaginary Line to pass ouer, and to the Sea, where the pambulac̃on begann Togeather wth all ye Lands, Soyle, Ground, Wood, Quarries, Mines, ffishing Hunting Hawking ffowling Com̃odities and Hereditamts whatsoeuer, Togeather also wth all P̃rogatiues, Jurisdic̃ons Royallties, Priuileidges, ffranchises and preheminences wthin ye precincts of land conteined wthin ye limits or bounds aforesd And also the Isles of Shoales, and ye ffishings thereabouts and all the Seas wthin 15 miles of the foresd Sea Coasts, and also all the Sea Coasts and land lying on ye East and Northeast side of the Harbour and River of Pascataway aforesd and opposite to the bounds above menc̃oned, beginning 15 miles to ye S: eastwards of ye mouth or first entrance and beginning of the said Harbour, and so vpp to ye falls and into the ponds or Lakes that feed the sd ffalls, by the space of 30 miles, including the sd ponds or Lakes and the Shoares thereof, and so crossing into the landward, at a right angle by the space of 3 miles the whole length thereof from ye sd mouth or first entrance from the Sea and Eastwds into ye Sea wch sd 3 miles shalbe allowed for ye breadth of ye sd land last menc̃oned both vpon ye land and Sea, As also all ye Land, Soyle, Ground, Woods, Quarries, Mines, ffishinge, Hunting Hawking ffowling Commodities and Hereditamts whatsoeuer togeather wth all prerogatiues Jurisdic̃ons Royallties Priuileidges ffranchises and p̃heminences wthin the p̃cincts of land last menc̃oned, conteined. To haue and to hold all y^{e} s^{d} House and Habitac̃on porc̃ons of Land and all Lakes and Islands therein conteined as aforesaid, and all and singuler other y^{e} p̃misses hereby giuen, granted, bargained, sold, aliened, enfeoffed, and confirmed, wth all and singular thappurtences and every part and p̃cell thereof unto y^{e} s^{d} S^{r} ffердinando Gorges, Capt. John Mason John Cotton, Henry Gardner Geo. Griffith Edwyn Guy, Thomas Wannerton, Thomas Eyre and Elyezer Eyer to y^{e} only vse & behoofe of them y^{e} s^{d} S^{r} fferd: Gorges &c for ever. Yeilding and paying unto our Souer̃ L^{d} y^{e} King his Heirs and Successors ⅕ of all y^{e} Oare of Gold and Silver that from time to time and at all tymes hereafter shalbe there gotten had & obteined for all Seruices, duties and demands, and also yeilding & paying unto the s^{d} presid^{t} Councill and their Successo^{rs} euery yeere yeerely for ever 40^{s} sterl^{g} at y^{e} ffeast of S^{t} Mich: tharchangell if it shalbe lawfully demanded, at the Assurance House on the West side of the Roy^{ll} Exchange in London. And the s^{d} presid^{t} & Councill for them & their Success^{rs} do Covenant and Grant to and wth y^{e} s^{d} S^{r} fferdin: Gorges, Capt. John Mason and their said Associates John Cotton Hen^{r} Gardner Geo. Griffith Edwyn Guy Thom. Wannerton, Thom. Eyer and Eliezer Eyre their Heires & Assignes by these pñts that from thensealing and deliuery hereof according to y^{e} purport, true intent and meaning of these pñts they the s^{d} S^{r} Ferdinan. Gorges, Capt. John Mason and their s^{d} Associates John Cotton Henry Gardner, Geo. Griffith, Edwin Guy, Thom. Wannerton Thom. Eyer and Eliezer Eyre, their Heires and Assignes shall from tyme to tyme for euer peacably and quietly haue hold possesse and enjoy all thafores^{d} House and Chiefe Habitac̃on porc̃ons of Land wth all y^{e} Islands and p^{r}misses wth thappurtenañces hereby before giuen and granted, or menc̃oned, meant or intended to be hereby giuen and granted, and every part and parcell thereof, wthout any Lett, disturbance, denyall trouble interrupc̃on or evicc̃on of or by ye sd President and Councill or any ꝑson or ꝑsons whatsoeuer clayming by from or vnder them or their Successors or by or under their Estate, Right, Title or Interest And the sd presidt and Councill for them and their Successors do further Covenant and grant to and wth ye sd Sr fferd. Gorges, Capt. John Mason, and their Associates John Cotton, Henry Gardner, Geo. Griffith Edwyn Guy, Tho. Wannerton, Thom: Eyre and Eliezer Eyre their Heirs and Ass̄ by these pñts that they the sd presidt and Councill shall at all time & times hereafter vpon reasonable request at the only proper Cost and Charges in the Law of the sd Sr ferdin. Gorges, Capt. John Mason and their sd Associates John Cotton Henry Gardner, Geo. Griffith, Edwin Guy Tho. Wannerton Tho: Eyre and Eliezer Eyre their Heires and Asss do, make ꝑforme, suffer execute, and willingly consent unto any further Act or Acts, Conveyance or Conveyances, Assurance or Assurances for the good and ꝑfect Investing, Assuring, Conveying, and sure making of all the aforesd Houses and Habitac̃on, porcons of Land, Islands and all and singular other the p̃misses wth thappurteñces to the sd Sr fferd. Gorges Capt. John Mason and their sd Associates John Cotton Henry Gardner George Griffith Edwyn Guy, Thomas Wannerton Tho. Eyere and Eliezer Eyre their Heires and Assignes, or by his or their or any of their Councill learned in the Law shalbe devised or advised or required, And further Know yee that the sd presidt and Councill haue made, constituted deputed, authorized appointed, and in their place and deed do putt Capt. Thom: Camack Henry Jocelin, or in their absence to any other ꝑson that shalbe their Gouerner or other Officer, to the Presdt and Councill to be their lawfull attorny and in their name & stead to enter into the sd House and Habitation porçons of Land and other ye ꝓmisses aboue giuen and granted wth their appteñces, or into some ꝑt thereof, in the name of the whole for them and in their name to haue and take possession and seizin thereof, and after such Possession and Seizin so thereof or of some part thereof in the name of the whole so taken and had, then for them and in their names, to deliuer full and peaceable possession and Seizin of all and Singular the s^{d} granted ꝓmisses unto y^{e} s^{d} S^{r} Ferdinando Gorges Capt. John Mason and their said Associates John Cotton Henry Gardner, Geo. Griffith, Edwyn Guy Thomas Wannerton, Thomas Eyre, and Eliezer Eyre, or vnto their certaine Attorny or Attornys in that behalfe, according to the true interest and meaning of theise ꝑñts, Ratifying Confirming and Allowing all and whatsoeuer their said Attorny shall do in or about the ꝓmisses by these ꝑñts. In Witnesse wherof the said president and Councill to two parts of these presents both of one Tenor haue Sett their Common Seale and to one part thereof the s^{d} S^{r} Ferdin: Gorges, Capt. John Mason, John Cotton, Henry Gardner, Geo. Griffith, Edwin Guy, Tho: Wannerton, Thom: Eyre and Eliezer Eyre, haue sett their hands and Seales the day and yeere first aboue written.

XXIX.

ABSTRACT OF THE GRANT TO RICHARD BRADSHAW, BY THE GREAT COUNCIL FOR NEW ENGLAND.

NOVEMBER 4/14, 1631.

Sources.

Of the grant of fifteen hundred acres of land on the Pashippscot (Pejepscot) to Richard Bradshaw by the Great Council, November 4/14, 1631, but little is known, and the manuscript records of the Council for New England give but a brief abstract. That the grant was never made use of for any occupation at Pejepscot is clearly established. Correspondence between John Winter and Robert Trelawny proves conclusively that Walter Neale gave Bradshaw possession of lands on the Spurwink in exchange for the head waters of the Pejepscot, and that this land was afterwards conveyed to Tucker; James Phinney Baxter, editor, "Trelawny Papers," Maine Historical Society, Documentary Series, III., 32; 206, 207; 228-230.

The abstract here printed is from Charles Deane, editor, "Records of the Council for New England," American Antiquarian Society, "Proceedings" (1867), 98. No other record has been found except in W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, I. 135.

Text.

Another Pattent granted & sealed the same day to Richard Bradshaw of New England, of 1500 Acres of Land, to be allotted above the hedd of Pashippscot, on y^e north Side thereof (not formerly granted to any other) with all Comodityes and priviledges proper for his necessary occasions, as by the Counterpart of y^e saide grant may appeare.

The consideration for and in respect of the charge he had been at in his liveing there some yeares before, & for y^t he purposed to settle himselfe there with other his friends & servants, & for y^t he is to pay 12^d for every hundred Acres of Land in use by the yeare (when it shall be demanded by the Rent-gatherer,) and the one fifth part of y^e Gold and Silver oare there shall be found to his Ma^{ty}, and another fifth part to the President & Councell, and not to alyen the same without consent first had and obtained.

XXX.

TRELAWNY PATENT, BY THE GREAT COUNCIL FOR NEW ENGLAND.

December 1/11, 1632.

Sources.

According to Willis the original patent for the grant of lands at Cape Elizabeth to Robert Trelawny and Moses Goodyear, December 1/11, 1632, was destroyed by the wife of a descendant of Robert Jordan, who had, with housewifely zeal, used it to keep her pastry from burning. In 1872, however, Mr. John Wingate Thornton, who was then in London, came most happily upon the clue to the original patent. By the generosity of the Rev. C. T. Collins Trelawny this document, and extensive correspondence between John Winter, governor of the Cape Elizabeth plantation, and Robert Trelawny, were presented to the Maine Historical Society. All these papers were carefully edited by James Phinney Baxter and published by the Historical Society in 1884 under the title of "Trelawny Papers."

The text adopted is that of the original patent, which the courtesy of Mr. Hubbard W. Bryant, librarian of the Society, has made accessible. It is also found in James Phinney Baxter, editor, "The Trelawny Papers," Maine Historical Society, Documentary Series, III., 1-9, with photographic facsimile to face page 9.

Text.

This Indenture made the ffirst daie of December Anno Dm̄ 1631 And in the Seaventh Yeare of the Raigne of our Souraigne Lord Charles by the grace of God of England Scottland ffraunce and Ireland King defendor of the faith &c. Betweene the President and Councell of New England of th'one parte And Robert Trelawny of Plymouth in the Countie of Devon Marchant Moyses Goodyeare of Plymouth aforesaid Marchant and their Associatts of thother Parte Witnesseth That Whereas our Soueraigne lord King James of famous memorie late King of England Scotland ffraunce and Ireland by his highness Letters Pattents and Royall graunte vnder the greate Seale of England bearing date the Third daie of November In the eighteenth yeare of his Raigne of England ffraunce and Ireland &c for the causes therein expressed did absolutely give graunte and confirme vnto the said President and Councell and their Successors foreuer. All the land in New England in America lying and being from ffortie to ffortie Eight degrees of Northerly latitude, and in length by all that breadth aforesaid from Sea to Sea throughout the Maine land, Togeather wth all the Woods, Waters, Rivers, Soyles, Havens, Harboures, Ilelands and other Com̄odities whatsoeuer therevnto belonging, wth diuers other Priviledges, prehemmenencies, proffitts and liberties by Sea and land, As by the said letters Pattents (amongst other things contayned) herevnto due Relac̄on being had more at large it doth and maie appeare And whereas the said President and Councell by vertue and Authoritie of his said Mate Letters Pattents *Haue* by their deed indented Dated the ffirst daie of Nouember Anno Dm̄ 1631 And in the said Seauenth Yeare of the Raigne of our Soueraigne Lord king Charles giuen graunted allotted assigned and confirmed vnto Captaine Thomas Camocke his heires Associatts and assignes foreuer All that one Thousand ffive hundred acres of land scituate and bordering vpon the Eastside of the River Comonly called or known by the name of the River of Black Point or by whatsoeuer other name or names the same is or haue beene or hereafter shalbee called or knowne wth the libertie of ffishing and fowling in and vpon the River of Black Point Eastward soe farr as the extent of the limitts lyeth, Togeather wth all the Shoares, Creekes, Bayes or Havens, and Coasts along the

Sea or vpp in the land wth in the bounds and limitts of the said One thousand ffive hundred acres of land wth the Woods and Ilelands wthin the said bounds, Togeather alsoe Wth all the Mines, Mineralls Trade of what kind or nature soeuer, Woods, quarries, Marshes, waters, lakes, ffishings vpon the Sea Coast, huntings, hawkings, fowlings, Comodities, emolum^{ts} and hereditam^{ts} whatsoeuer wthall and singular their and everie of their appurteñncs in or wth in the limitts or bounds aforesaid, or to the said land lying wthin the said limitts or bounds belonging or in anie wise appertayning wth free Passage and repassage to and from the Place of Plantac̃on thrrowe the said Terretories of New=England by water or by land as his or their occasions shall require. To HAUE AND TO HOULD all and singuler the said maine land premisses vnto the said Captaine Thomas Camock his heires Associatts and assignes foreuer to there proper vse and behoofe of the said Captaine Thomas Cam̃ock his heires Associatts, and assignes foreuer. As by the said deed indented doth and may now at large appeare THIS INDENTURE [witnesseth][1] that the said President and Councell of New-England by vertue and Authoritie of the said letters Pattents, and for and in considerac̃on That the said Robert Trelawny, Moyses Goodyeare and their Associatts haue adventured and expended greate somes of mony in the Discouery of the Coasts and Harbours of those parts and are minded to undergoe a further Charge in settling a Plantation in the Maine land heereafter menc̃oned Jn Considerac̃on whereof and for the better encoragem^t of the said Robert Trelawny and Moyses Goodyeare, their heires Associatts and Assignes in effecting soe good aworke and for other good causes and considerac̃ons the said President and Councell thereunto moueinge HAUE given graunted, allotted assigned and confirmed and by theis p̃rts doe fully Cleerely and absolutely give graunte allott assigne and confirme vnto the said Robert Trelawny and Moyses Goodyere their heires Associatts and assignes forever All those lands and hereditamets wth Thappurtemn̄ts scituate lying and being alonge the Sea Coast Eastwards betweene the land before menc̃oned to be graunted to the said Captaine Thomas Cam̃ock his heires Associatts and assignes, And the Bay, and River of Cascoe extending and to bee extended Northwards into the Maine land soe farr as the limitts and bounds of the lands graunted to the said Captaine Thomas Camocke as aforesaid doe or ought to extend towards the North, And alsoe all and singuler the Shoares, Creeks, Rivers, Bayes, Harbours, and Coasts along the Sea, or upp in the land wthin or adioyning to the bounds, and limitts aforesaid, And all and singuler Trees, Woods Mines, Mineralls aswell of Gould and silver Oare as of all or any other mettall kind or nature whatsoever, Quarries, Rivers, Waters, lakes, Comodities, emolumts and hereditamts whatsoeuer arrising, growinge, renewing or being in or on the prmisses or anie part thereof wth in the bounds and lymitts aforesaid or to the said premisses, And the full free and sole libertie and Priviledge of Hawking and huntinge and to sett upp use and exercise any lawfull Trade Arte or mistery of what kind or nature soever in and vpon the said lands and premisses before meñconed to be graunted or anie parte thereof, Togeather wth free libertie to and for the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes to fowle and ffishe, and stages Kayes and places for taking, saving and preseruinge of ffish to erect make maintaine and vse in vpon and neere the Ilelands Comonly called Richmond's Ileland and all other Ilelands wth in or neere the limitts and bounds aforesaid wch are not formerly graunted to the said Captaine Thomas Camock as aforesaid And free Passage and Repassage to and from the premisses or anie part thereof ouer and throughe the said Terretories of New-England or anie parte thereof by Water Sea and land or anie or either of them at the will and pleasure of the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes foreuer To HAUE AND TO HOULD all and singuler the said lands, Shoares, Creekes, Rivers, Bayes, Havens, Coasts, Trees, Woods, Mines, Mineralls, Quarries, Rivers, Waters, Lakes, Commodities, emolum^ts^ fishings fowlings, Hawkings, Huntings, Trades, liberties, priviledges, Rights, Jurisdiccons, Royalties, Commodities hereditam^ts^ and premisses before mencõned to bee graunted, and every parte and parcell thereof to the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes foreuer to the onely proper vse and behoofe of the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes foreuer YEALDING AND Payeinge vnto our Souveraigne lord the king his heires and Successors one ffifte parte of all the Gould and silver Oare to bee found or had in or on the premisses or anie parte thereof and one other ffifte Parte of the Same to the said President and Councell aforesaid and their Successors foreuer To BEE HOULDEN of the said President and Councell and their Successors by the Rent heereafter in theis pñts reserued YEALDING AND Payeing therefore Yearely foreuer vnto the said President and Councell their Successors or assignes for everie hundred acres of the said land in vse Twelue pence of lawfull money of England into the hands of the Rentgatherer (for the time being) of the said President and Councell their Successors or assignes for all seruice Whatsoeuer AND the said President and Councell for them and their Successors doe coveñnt and graunte to and w^th^ the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes by theis pñts That they the said President and Councell shall att all time and times heereafter vpon reasonable request, and att the only proper Costs and Charges in the Lawe of the said Robert Trelawny and Moyses Goodyeare, their heires and assignes doe make performe suffer execute and Willingly consent vnto anie further acte or acts, Conveyaunce or Conveyaunces assuraunce or assuraunces whatsoeuer for the good and perfect investing, assureing conveying and sure making of all the aforesaid premisses wth Thappur̃teñnts, and of euery Parte and parcell thereof to the said Robert Trelawny and Moyses Goodyeare their heires and assignes as by them their heires or assignes or by his or their or anie of their Councell learned in the lawe Shalbee Deuised aduised or required Prouided allwaies That the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes or anie of them shall not att anie time or times heereafter allien sell or Convaye awaie the said premisses soe giuen and graunted as aforesaid or any parte thereof wth out the Consent or assent of the said President and Councell or the Maior Parte of them, or other the Governour settled in those Parts for the Gouvernmt of those Affaires first had and obteyned in writing vnder their hands and Com̃on seale of them or of their said Governour: And further knowe yee that the said President and Councell Haue made Constituted, deputed Authorized, and appointed and in their Place and stead Doe Putt Captaine Walter Neale Henry Josline, Leifeteñnt and Richard Vines gentleman and every or anie of them, and in Case of their death or absence Doe nominate and appointe The Governour or other Cheife Officer for the time there being vnder the said President and Councell Joyntly and seũally to bee their true and lawfull Attorney or Attorneys and in their name and stead to enter into the said premisses aboue mencõned to bee giuen and graunted wth their appur̃tenñce or into some Parte thereof in the name of the whole, And for them and in their names to haue and take Possession and seizon thereof, and after such possession and seizon soe thereof or of some parte thereof in the name of the whole soe taken and had Then for them and in their names to deliuer full and peaceable possession and seizon of all and singuler the said premisses vnto the said Robert Trelawny and Moyses Goodyeare or to their Certaine Attorney or Attorneyes in that behaulfe; To haue and hould to the said Robert Trelawny and Moyses Goodyeare their heires Associatts and assignes according to the true intent and meaninge of theis pn̄ts Pats

---

[1] The omission is in original document.

Ratefying, Confirming, and allowing all and Whatsoeuer their said Attorneyes, or anie or either of them shall doe in or about the premisses by theis pn̄ts IN WITTNES whereof the said President and Councell haue to the one Parte of theis pn̄te Indenture sett their Seale, And to the other Parte thereof the saide Robert Trelawny and Moyses Goodyeare haue sett to their hands and seales Given the day and yeare ffirst aboue written

R Warwicke Ed. Gorges. Ferd Gorges

Seal

[Indorsed:]

A Grant from the President and Council of New England to Mr. Robert Trelawny and Moses Goodyear of Lands in New England 7th Dec. 1631

XXXI.

ABSTRACT OF THE AGAMENTICUS GRANT, BY THE GREAT COUNCIL FOR NEW ENGLAND.

DECEMBER 2/12, 1631.

Sources.

Of the grant of land on the "eastermost" side of the Agamenticus River to Ferdinando Gorges, grandson and heir of Sir Ferdinando Gorges, Walter Norton and others, by the Great Council, December 2/12, 1631, no traces of the original document have ever been discovered. That such a grant was issued is evident from a study of W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, Vol. I., and Charles Deane, editor, "Records of the Council for New England," American Antiquarian Society, "Proceedings" (1867), 101, 102, 105. These fragmentary records are further corroborated by references to such a grant in conveyances of land recorded in the York Deeds.

On account of changes among the grantees a new patent of nearly the same tenure was issued March 2/12, 1631/2.

Under date of $\substack{\text{March 22}\\ \text{April 1}}$, 1639, there is a brief record in "Calendar of State Papers," Colonial Series, I., 266, of a renewal of the patent to Edward Godfrey and others. There is also a reference to the renewal of 1639 in Sir Ferdinando Gorges, "A Briefe Narration" (London, 1658), 38.

For the connection of Edward Godfrey with the province of Maine the best narration is Charles Edward Banks, "Edward Godfrey, His Life, Letters and Public Services, 1534-1664," Maine Historical Society, "Collections, IX., 297-335; also privately printed, 1887. To Godfrey belongs the distinction of being the first governor of Maine by virtue of election by the people.

This abstract of the Agamenticus grant is reprinted from the "Records of the Great Council," in American Antiquarian Society, "Proceedings" (1867), 101, 102.

Text.

Att Warwick House the 2d of Dec. 1631.

There being present

The Earle of Warwick, Presidt The Ld Gorges, & Sr Ferdinando Gorges, Threr.

There was this prsent day sealed a Pattt granted to Ferdinando Gorges, sonn and heire of John Gorges of London, Esqr, Walter Norton, Lieut. Coll̄ Tho. Coppyn, Esq, Samuel Maverick, Esq, Thomas Graves, Gent̄, an Ingineer, Raphe Glover, Mercht, Wm Jeffryes, gent̄, John Busley, gent̄. Joell Woolsey, gent̄, all of New England, Robert Norton, Esqr, Richard Norton gent, George Norton of Sharpenhow in ye County of Bedford, and Robert Rainsford ye younger of London, gent̄; first 100 acres of Land for every person transported or to be transported by them or any of them within 7 yeares next insueing, soe that the said person or persons abide there 3 yeares, either at one or severall times; ye same land to be taken & chosen in any place adjacent to the 12,000 acres of Land hereafter menc̃oned, & ye same not to be inhabited by any; secondly 12,000 acres of Land more over and above ye 100 acres ye person as aforesd to ye sd Ferd. Gorges, and the rest to be taken togeather and not straglingly on the Eastermost side of ye River called by the name of Aquamentiquos in New England, extending along ye coast easterly 3 miles, frõ thence mly into ye maine Land soe high as may containe ye number of 12,000 acres, and 100 acres for every person to be transported as aforesd, wth all ye Islands or Isletts within ye Limitts next adjoyning ye sd Land, 3 leagues into ye Maine Ocean. 3dly to ye sd Ferdinando Gorges particularly over and above ye aforesaid Limitts and grants 12,000 Acres of Land more, to be chosen abound & lye opposite against ye sd 12000 Acres of Land granted as aforesaid to the said Ferdinand Gorges & the rest, on the

Westmost Side of the River Called Aquamentiquos, extending along the Sea Coast Westerly to the bounds of the Lands appropriated to the Plantac̃on of Pascataquack, and so along the River of Aquamentiquos into the Maine Land Northerly, and along by the bounds of Pascataquack westerly, so farr up into the Maine Land as may containe the number of 12,000 Acres of Land, granted to y^{e} said Fer^{d} Gorges, with all the Islands or Isletts next adjoining the said Land easterly, within the said Limitts, three leagues into the Mayne Ocean, with all commodities and priviledges proper for their necessary occasions, as by the Counterpart of their said Grant appeareth.

The consideration for and in respect that they have undertaken to transport divers persons into New England, and there to erect and build a Towne, and settle divers Inhabitants for the generall good of that Country; and for that they are to pay one fifth part of the Gold and Silver oare to be found or had on the premisses to the King's Ma^{tie}; and one other fifth part to the President and Councell, and also to pay two shillings yearly for every hundred Acres of Arable Land; the first payment to begin at the Feast of S^{t} Michie^{l} the Archangell next after the first seaven years are expired as aforesaid, the same to be paid into the hands of the Rentgatherer (if he demand the same) and not to alien the same without consent, &c.

XXXII.

ABSTRACT OF THE GRANT OF RICHMOND'S ISLAND BY THE GREAT COUNCIL FOR NEW ENGLAND.

DECEMBER 2/12, 1631.

Sources.

Of the grant of Richmond's Island, "with 1500 acres upon the Maine," by the Great Council, December 2/12, 1631, but a brief abstract is given in the Manuscript Records of the Great Council (Public Record Office, London), and occasional references in the works of contemporary historians.

Winthrop speaks of Bagnall as a turbulent fellow, and narrates his murder by the Indians, October 4/14, 1631. Although Bagnall's death occurred several months previous to the issuance of his grant, the news had not then reached England. The patent issued to Robert Trelawny one day earlier gave to him and his associates the "liberty to fowle, ffishe, and erect stages, Kayes and places for taking, saving, and preserving of fish" on Richmond's Island, and other islands in the vicinity. Correspondence published by James Phinney Baxter, editor, "Trelawny Papers," Maine Historical Society, Documentary Series, III., furnishes evidence that Richmond's Island at least was occupied by Winter as agent for Trelawny, and it was probable that the whole grant was held as part of the Trelawny possessions.

An interesting sketch of "Big Walt" is by Charles Edward Banks "Walter Bagnall," in "Maine Historical and Genealogical Recorder" Vol. I. (1884), 61-64.

The Abstract of the Grant of Richmond's Island here printed is from Charles Deane, editor, "Records of the Great Council," American Antiquarian Society, "Proceedings" (1867), 100.

Text.

The second of December, 1631.

The L^d^ Gorges and S^r^ Ferdinando Gorges, according to y^e^ order of the first of this instant December, sett downe their opinions and gave ord^r for two Pattents to be drawne thereafter, y^e one for Walter Bagnall for a small island called by y^e name of Richm^d Island, with 1500 acres of ground more upon y^e Maine, to be allotted and chosen in any convenient place near unto y^e said Island as Capt. Walter Neale and Richard Vines, Gent̃, should thinke fitt, according to a Com^{on} of Survey to them and others in that behalfe directed, with all comodityes & priviledges for his necessary occasions, as by his said Grant more at large appeareth. The consideration for and in respect y^t he had lived in New Engl^d for y^e space of 7 years and there planted and built some convenient houseing in y^e said Islands, and purposed by God's grace to settle himselfe and family there with other his friends and associates, and for that he is to pay the one fifth part of y^e Gold and silver oare there to be found to the King's Ma^{ty}, and one other fifth part to the President and Councell, and also to pay 2^d for every hundred acres of land in use by y^e yeare when it shall be demanded by the Rent-gatherer, and not to alyen y^e same without consent first had and obtained.

XXXIII.

ABSTRACT OF THE GRANT OF CAPE PORPOISE, BY THE GREAT COUNCIL FOR NEW ENGLAND.

DECEMBER 2/12, 1631.

Sources.

For the grant of two thousand acres at Cape Porpoise to John Stratton, December 2/12, 1631, a reference to the transaction is found in W. Noel Sainsbury, editor, "Minutes of the Council," in "Calendar of State Papers," Colonial Series, I., 137, in addition to the abstract in Charles Deane, editor, "Records of the Great Council," American Antiquarian Society, "Proceedings" (1867), 100, 101.

Although the considerations for issuing the grant were that Stratton had lived at Cape Porpoise three years and had expended £1000 on the settlement, it does not appear that he made the lands thus derived his permanent residence, for, according to J. B. Felt, "Annals of Salem," his name was on the list of inhabitants there in 1637. In "York Deeds," I., folios 85, 86, there is a record of the conveyance of Stratton's Islands to Thomas Cammock in 1640.

This abstract of the grant of Cape Porpoise is from the "Records of the Great Council."

Text.

There was another Pattent agreed upon for John Stratton for a proporc̃on of Land containing 2000 Acres, butting upon y^{e} south side of border of y^{e} River or Creeke called by the name of Cape Porpus, and on y^{e} other side Northwards Creeke mouth of Cape Porpus, into the south side of the Harbours mouth of Cape Porpus aforesaid, with all Comodityes & priviledges proper for his necessary occasions, as by his Said Grant more at large appeareth. The consideration for and in respect that he had lived in New England these 3 yeares last past, and had expended £1000 in transporting of Cattle and maintaining of servants in that employment, And for y^{t} he now purposeth to transport more cattle and to settle a plantac̃on there according to his grant, and for that he is to pay the one fifth part of y^{e} Gold and Silver Ore there to be found to the King's Ma^{ty}, and one other fifth part to the President & Councell, and also to pay 11^{d} for every hundred acres of land in use by the yeare, when it shall be demanded by the Rentgatherer, and not to alien the same without consent first had and obtained; which said Pattents were signed by the Lord Gorges and S^{r} Ferdinando Gorges, and ready to pass the seale, and afterwards were left with M^{r} Walter Will^{ms} to be dispatcht by the Earle of Warwicke, Presid^{t}

XXXIV.

GRANT OF PEMAQUID TO ALDWORTH AND ELBRIDGE, BY THE GREAT COUNCIL FOR NEW ENGLAND.

February 29/March 10, 1631/2.

Sources.

Of the patent of lands at Pemaquid to Robert Aldworth and Gyles Elbridge (Eldridge) by the Great Council for New England, February 29/March 10, 1631/2, a certified transcript on parchment made in 1648 for notarial purposes is in the Library of the American Antiquarian Society at Worcester, with two volumes of the records of its proprietors. In 1737 the patent was recorded at York, manuscript volume of York Deeds XVIII., fols. 112-114. An examination of the transcript shows marks of carelessness on the part of the recorder; whereas the notarial copy at Worcester conforms in spelling and general style with original documents of other grants by the Great Council.

An "abstract" denoted "original" is given by Ebenezer Hazard, "Historical Collections" (Philadelphia, 1792), I., 315-318; the text is printed entire from the York Deeds in "An Order of Both Branches of the Legislature of Massachusetts, to Appoint Commissioners to Investigate the Causes of the Difficulties in the County of Lincoln; and the Report of the Commissioners thereon with the Documents in Support thereof" (Boston, 1811), 33-39. A text based on the notarial copy is given by John Wingate Thornton, "Ancient Pemaquid, an Historical Review," in Maine Historical Society, "Collections," V., 207-214, also bound separately, (Portland, 1857), 75-82; another copy is found in John Johnston, "A History of the Towns of Bristol and Bremen in the State of Maine, Including the Pemaquid Settlement" (Albany, 1873), 70-74.

The source selected for this collection of documents is the notarial copy at Worcester.

Text.

This Indenture made the Nine and twenteth day of February Anno D'm 1631, And in the Seaventh yeere of the Raigne of our Sovraigne Lord Charles by the grace of God King of England Scotland ffraunce and Ireland, Defender of the ffaith, &c. Betweene the President and Councill of New England on the one parte, And Robert Aldworth and Gyles Elbridge of the City of Bristoll merchants, on the other parte, Witnesseth that whereas our Souvraigne Lord King James of famous memori late King of England Scotland ffraunce and Ireland, by his highnes Letters Pattente and Royall graunt vnder the great Seale of England bearing date the Third day of Nouember In the eighteenth Yeare of his Raigne of England ffraunce and Ireland &c for the causes therein expressed did absolutely giue graunt and confirme vnto the said President and Councell and their Successors forever, All the land of New England in America lying and being from fortie to fortie eight degrees of northerly Latitude, and in length by all that breadth aforesaid from Sea to Sea throughout the main land, together with all the woods, waters, soils, rivers, havens, Harbors, Iselands, and other commodities whatsoever therevnto belonging with divers other priviledges preheminences proffits and timbers, by Sea and land As by the said Letters pattents amongst other things contayned wherevnto due relacon being had it doth and may appeare NOW this Indenture Witnesseth That the said President and Councell of New England by virtue and authoritie of the said Lres Pattents and for and in considerac̃on that the said Robert Aldworth and Giles Elbridge have and will transport and doth ondertake to Transporte att their owne Costs and Chardges divers persons into New England and there to erect and build a Town and settle diuers Inhabitants for their own safetie better assurance and advancement^{t} of the generall plantac̃on of that Country and for the furtherance of the said Plantac̃on and encouragemen^{t} of the said vndertakers Have agreed and doe hereby agree graunte assigne allott and appointe to the said Robert Aldworth and Giles Elbridge theire heires and assignes and every of them one hundred acres of ground for every Person soe by them or anie of them Transported or that shall now or hereafter be Transported besides diurse other priviledges liberties and Comodities hereafter menc̃oned And to that intent they have graunted allotted assigned and confirmed And by theis P^{r}sents doe grante allot assign And confirme vnto the said Robert Aldworth and Giles Elbridge their heires and assignes and euerie of them One hundred seueral acres of ground in New England for every p^{r}son transported or to be transported within the space of Seaven yeeres next ensuing That shall abide and continew there Three yeares either att one or severall times or dye in the meane season after hee or they are Shipped wth an Intent there to inhabite The same lands to be taken and chosen by them or either or anie of them their deputies or assignes in anie place adjacent to the said Twelve thousand acres of land hereafter menc̃oned to be granted and not lately granted setled and inhabited by anie English and wherein noe English person or persons are allreadie placed or settled Togeather with free libertie to ffish in and uppon the Coste of New England in all Havens Ports Rivers & Creekes thereunto belonging and not granted to any others And that noe person or persons whatsoever shall take anie benefit or lib̃tie of or to anie of the said grounde (excepting the free use of highe waies by land and Navigable Rivers) but that the said Robert Aldworth and Gyles Elbridge their heires and assigns shall haue the Sole right and use of the said grounds with all their proffits and appurteñces And the said President and Councell doe further graunt assigne allott and confirme vnto the said Robert Aldworth and Gyles Elbridge theire heires and assignes Twelve Thousand acres of land more over and above the foresaid proporc̃on of One hundred the person for every person Transported or to be Transported as foresaid as his or their proper inheritance forever The same land to be bounded Chosen taken and laid out neare the River Comonly called or known by the name of Pemaquid or by what other name or names the same is or haue ben or hereafter shal be called or knowne by and next adioyning to the lands where the people or servants of the said Roberd Aldworth and Gyles Elbridge are now seated or have inhabited for the space of three yeares last past and the same to be taken and chosen together and not straglingly both along the Sea Coast as the Coast lyeth and soe upp the River as farr as may Containe the said Twelve Thousand acres within the said bredth and length Togeather with the said hundred acres for every person by them the said Robert Aldworth and Gyles Elbridge to be Transported as aforesaid Togeather alsoe with all the Iselands Iseletts within the lymitts next adioyning the said land butting within the lymitts aforesaid Three leagues into the Main Ocean YEALDING and paying vnto our Sovraigne Lord the King his heires & Successors One ffith parte of all the Gould and silver Oare to bee found and had in or on the premises or any parte thereof and one other ffith part of the same to the said President and Councell aforesaid and their Successors fore ever AND alsoe Yielding and paying to the said President and Councell in the name of all other rents services duties and demands whatsoever for every hundred acres of Arrable lands soe obtayned by the said Robert Aldworth and Gyles Elbridge their heires and assignes and every or any of them and by those said other p^r^son or p^r^sons their heires and assigns The yearely rent of two shillings of lawfull money of England At the ffeast of S^t^ Michaell the Archangell To the hands of the Rent gatherer of the said President and Councell and their successors forever (when it shall be by him the said Rent gatherer lawfully demanded) The first payment to begin after the expirac̃on of the ffirst Seaven yeares next after the date hereof And it shall and may be lawful for the said Vndertakers and Planters their heires and Successors ffreely to Trucke Trade and Traffique in all lawful comodities with the salvages in any parte of New England or neigbouring thereabouts att their wills and pleasures without lett or disturbance As also to have libertie to hunte hawke ffish or ffowle in any place or places whatsoever now or hereafter, by any English Inhabited and the said President and Councell doth Covenant and promise to, and with the said Robert Aldworth and Gyles Elbridge their heires and assignes and everye of them and others the prson or prsons as aforesaid his and their heires and assignes; That theire Tenants or servants shall not be taken from their owne imployments, by any Governor or other there to be established but only for the publique defence of these Countries, or suppression of Rebellion, Riotts, or Routs, or other unlawful assemblies and further it is Covenanted uppon lawful survay to be had and made att the chardge of the said vndertakers and Planters, and lawful Informac̃on given of the bounds meets and quantitie of the lands soe as aforesaid to bee by them Chosen and Possessed, They the said President and Councill uppon surrender of this present grante and Indenture and upon reasonable request made by the said Robert Aldworth and Giles Elbridge their heires or assignes or any of them, within Seaven yeares now next comeing shall by their deede Indented and Vnder theire Common Seale graunte, enfeoffe and confirme All and every of the said lands sett out, and bounded as aforesaid to the said Robert Aldworth and Giles Elbridge and their associats and such as Contracte with them, their heires and assignes in as large and beneficiall manner as the same are in theis prsents granted or intended to be granted or hereafter to be granted to all intents and purposes with all and every pticular priviledges and ffreedomes reservac̄ons and condic̄ons with all dependācies herein specified and graunted And shall also att any time within the said Terme of Seaven yeares vppon request vnto the said President and Councell made, graunte vnto them the said Robert Aldworth and Gyles Elbridge their heires and assignes letters and grants of Incorporac̄on by some usuall and fitt name and title with libertie to them and their Successors from time to time to make orders, Laws, Ordinances, and Constitucons for the rule, government, ordering, and directing of all persons to be Transported and setled upon lands hereby graunted intended to be granted, or hereafter to be granted And of the said lands and profits thereby arising, And in the meane tyme and untill such grant be made, it shall be lawful for the said Robert Aldworth and Giles Elbridge their heires and assignes from time to time, to establish such laws and ordinances as are for the better Governme^{t} of the said prsons soe Transported and the same by such officer or officers as they shall by most voices Elect, and choose to putt in execution.

And it shall be lawful for the said Robert Aldworth and Giles Elbridge their heires and assignes or either or any of them from tyme to tyme and at all tymes hereafter for their several defence and safetye to encounter expulse expel fortifie defend and resist by force of Armes as well by sea as by land, and by all wayes and meanes whatsoever and to take apprehend seize and make prize of to their owne use, and behoofe All such prson and prsons, their Ships and goods, as without the Speciall license of the said President and Councell and their Successors or the greater parte of them, shall attempt to inhabite or Trade with any of the

Salvadge people of that country within the several precincts or lymits of their said Plantac̄on, or shall enterprize or attempt att any tyme hereafter destruc̄on invacon or annoyance to the said Plantacon And further that it shall be lawful to and for the said Robert Aldworth and Gyles Elbridge their heires and assignes, or either of them from tyme to tyme to Transport and carry such powder, shott, provision and Ordinances as shall be necessarie for their defence And further That the said Robert Aldworth and Giles Elbridge theire heires or assignes shall not anye tyme hereafter aliene theis p^{r}mises or any parte thereof to any foraigne Nation [especially the French] or to any other prson or prsons whatsoever without the Spetiall License consent and agreem^t of the said President and Councill and their Successors and assignes, Except it be to their owne Tenants or Vndertakers, belonging to the said Towne by them to be Erected as aforesaid uppon paine of forfeiture of the said Land soe Aliened, To the Vse of the said President and Councell againe And further know yee that the said President and Councell have made constituted and deputed Authorized and appointed and in their steade and place, doe put Captaine Walter Neale and Richard Vines, gent. or in his or their absence to anie person that shall be theire Governour or other officer to the said President and Councell to be their true and lawful Attorney or Attorneys and in their name and steade to enter the said Porcon of land, and other the premises, apprtenances or into some Part thereof in the name of the whole soe had and taken then for them, and in their names to deliver the full and peaceable possession and seizen of all and singular the said granted premises vnto the said Robert Aldworth and Giles Elbridge or to their certain Attorney or Attorneys in that behalf according to the true intente and meaning of these psents Ratifying allowing and confirming all, and whatsoever their said attorney or Attorneys shall doe in or about the p^r^mises by theis p^r^sents. In Witness whereof, the President and Councell to the one part of these p^r^sent Indentures have set their Seale and to the other part thereof the said Robert Aldworth and Giles Elbridge have sett their hands and seals. Given the day and year first above written.

R. Warwick. [L. S.] Ferd. Gorge.

This is a true copy of the Letters pattents under the Seale of the President and Councell of New England signed by the Earle of Warwicke and S^r^ Ferdinando Gorge, examined with the same Letters patents this twenty and sixth day of March 1648, By us whose names are subscribed viz

Fra. Yeamans, No^ry^ Pubb.
Robt. Dennis,
Dew Tony, servants to the
said No. P^c^.

XXXV.

CONCESSION OF THE RIVER AND BAY OF ST. CROIX TO COMMANDER DE RAZILLY, BY THE COMPANY OF NEW FRANCE.

May 14/24, 1632.

Sources.

The original concession in favor of Commander de Razilly, May 14/24, 1632, by the Company of New France, is in the Dépôt de la Marine in Paris. A certified copy was used by the commissioners under the treaty of Aix-la-Chapelle, and is found both in the English and the French collections.

The Company of New France was formed in 1627 by Cardinal Richelieu, to put an end to the disturbances between the Recollets and the Roman Catholics, who were menacing the peace of the settlements. Their charter not only gave the company all New France, the fort and settlement of Quebec and all great rivers, both on the east and the west coasts of the continent, but also the right to confer titles of distinction.

Privileges conferred by the Company of New France often covered the same territory claimed under Sir William Alexander's grants.

The text adopted for the concession is from "The Memorials of the English and French Commissaries" (London, 1775), 707, 708.

Text.

La Compagnie de la Nouvelle France : A tous ceux qui ces présentes lettres verront ; Salut. Le desir que nous avons d'aporter toute la diligence possible à l'etablissement de la colonie de la Nouvelle France, nous faisant rechercher ceux qui ont la volonté d'y contribuer de leur part, & l'obligation que nous avons de recompenser, par toutes voies, les travaux de ceux qui nous assistent, & d'embrasser les occasions de leur témoigner par effets, étant bien informé des bonnes intentions que Monsieur le Commandeur de Razilly, Lieutenant général pour le Roi en la Nouvelle France, a toûjours eu pour faire réussir cette enterprise, en desirant l'en reconnoitre par les gratifications à nous possibles. A ces causes avons audit sieur de Razilly donné & octroyé, donnons & octroyons par ces présentes, l'étendüe des terres & pays qui ensuivent, à sçavoir la rivière & baie Sainte-Croix, isles y contenues, & terres adjacentes d'une part & d'autre en la Nouvelle France, de l'étendüe de douze lieües de larges, à prendre le point milieu en l'isle Sainte-Croix, ou le sieur de Mons a hiverné, & vingt lieües de profondeur depuis le port aux coquilles, qui est e l'une des isles de l'entrée de la rivière & baie Sainte-Croix, chaque lieües de quatre mille toises de long. Pour jouir desdits lieux par ledit sieur de Razilly, ses successeurs ayant cause, en toute

propriété justice & seigneurie à perpétuité, tout & ainsi, & à pareils droits qu' il a plû au Roi donner le pays de la Nouvelle France à la Compagnie; à la réserve de la foi & hommage que ledit sieur Commandeur, ses successeurs ayans cause, seront tenus porter au fort Saint-Louis à Quebec, ou autre lieu qui sera destiné par ladite Compagnie, par un seul hommage tige a chaque mutation de possesseur desdits lieux avec une maille d'or du poids d'une once, & le revenu d'une année de ce que ledit sieur Commandeur se sera resérvé, après avoir donné à fief ou à cens & rente, tout ou partie desdits lieux; que les appellations du juge qui sera établi desdits lieux par ledit sieur de Razilly, resortiront nuement à la cour & justice souveraine qui sera établi ci après au fault Saint-Louis ou ailleurs; que les hommes que ledit sieur Commandeur fera passer en la Nouvelle France tourneront à la décharge & diminution du nombre de ceux que la Compagnie doit faire passer, sans que ledit sieur Commandeur ou les siens puissent traiter des peaux & pelleteries qu' aux conditions portès par l'édit de l'établissement de la Compagnie de la Nouvelle France; & en cas que ledit sieur Commandeur desire faire porter à cette étendüe de terre quelque nom & titre plus honorable, se retirera vers le Roi & Monseigneur le Cardinal de Richelieu, Grand-Maître, Chef & Surintendant général de la navigation & commerce de France, pour lui ĕtre pourvû conformement aux articles accordés à ladite Compagnie. En témoin de quoi nous avons signé ces présentes. A Paris, au Bureau de la Nouvelle France, le dixneuvième mai mil six cent trente-deux. *Signé* LAMY avec par araphe Secrétaire.

XXXVI.

EXTRACT FROM THE TREATY OF ST. GERMAIN BETWEEN LOUIS XII. OF FRANCE AND CHARLES I. OF ENGLAND.

$\substack{\text{May } 29 \\ \text{June } 8}$, 1632.

Sources.

The treaty which was made at St. Germain-en-Laye $\substack{\text{May } 29 \\ \text{June } 8}$, 1632, restored New France, Acadia and Canada, to France. In accordance with the treaty France immediately took possession of Pentagoët, which was the first active movement in the controversy which lasted more than a century.

According to Leonard "Recueil des Traites de Paix" (Paris, 1692), V., the original document is in the Dépôt de la Marine in Paris. The copy used by the Commissioners is from Leonard, "Mémoires des Commissaires du Roi, et ceux de sa Majesté Britannique sur les possessions et les droits respectifs des deux Couronnes en Amérique," II., 5-10.

In the Massachusetts Archives is a set of manuscripts collected by Ben : Perley Poore, under the title, "Historical Documents Collected in France for the Commonwealth of Massachusetts." He has inserted printed pages I., 547-554, from "Le Mercure Français," containing the text of the treaty of St. Germain. A certified copy from the original is in Thomas Rymer, "Foedera" (The Hague, 1745), VIII., Part III., 228. It was reprinted by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 319, 320; and Charles Lindsey, "An Investigation of the Unsettled Boundaries of Ontario" (Toronto, 1873), Art. III., with English translation, 107, 108.

Article III., which relates to the restitution of Acadia to France, is here reprinted from Lindsey's English text.

Text.

Art. III. On the part of the King of Great Britain, the said ambassador, in virtue of the powers with which he is vested, and which shall be inserted at the end of these presents, has promised and promises in the name of his said Majesty to give up and restore (*rendre et restituer*) all the places occupied in New France, Acadia and Canada by the subjects of the King of Great Britain, by whom these places shall be restored; and to this end the said ambassador shall deliver at the time of the signature of these presents to the commissioners of His Most Christian Majesty, in due form, the authority which he received from the King of Great Britain for the restitution of the said places, together with the orders of his said Majesty to all those who had command in Fort Royal, the Fort of Quebec and Cape Breton, for the restoration of the said places and forts given up into the hands of those whom it may please His Most Christian Majesty to appoint, eight days after these orders shall have been notified to those who command, or may then command; the said time of eight days being given to them to remove from those places and forts, their arms, baggage, merchandize or money, utensils, and generally everything that belongs to them; to whom and to all who are in the said places, the term of three weeks, after the expiration of the eight days, is given that they may during that time, or sooner if possible, retire to their vessels with their arms, munitions, baggage or money, utensils, merchandize, furs, and generally everything that belongs to them, for the purpose of going thence to England without remaining longer in this country. And as it is necessary for the English to send to those places to fetch their people and take them back to England, it is agreed that General de Coën shall pay the necessary expense of equipping a vessel of two hundred tons or two hundred and fifty tons burthen which the English shall send to those places; that is to say, the cost of chartering a vessel for the passage to and fro, the provisions of the sailors who work the vessel as well as of those who being on land are to be taken away, the wages of the men, and generally all that is necessary for the equippage of a vessel of the said tonnage for such a voyage, according to the usages and customs of England; and besides for the merchandize remaining unsold in the hands of the English, satisfaction shall be given, according to the cost in England, with thirty per cent of profit, in consideration of the risk of the sea and port charges.

XXXVII.

DEPOSITION CONCERNING THE PEJEPSCOT PATENT BY THE GREAT COUNCIL FOR NEW ENGLAND.

June 16/26, 1632.

Sources.

For the patent issued by the Great Council to George Way and Thomas Purchase, June 16/26, 1632, but a brief record exists in W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, I., 152, "Grant of the Council for New England to George Way and Thomas Purchase of certain lands in New England called the River Bishopscotte [Pejepscot], and all that bounds and limits the main land adjoining the river to the extent of two miles."

Other proofs that such a patent had been given are from conveyances recorded at York, "York Deeds," VIII., fols. 56-59; it was included in Edward Godfrey's "Cattalogue of Such Pattentes as I Know Granted for Making Plantacons in New England," which is a manuscript among the Colonial Papers in the Public Record Office, II., 16; still another proof is the indenture between John Winthrop and Purchase in 1639.

After the lands on the Androscoggin came into the possession of the Pejepscot proprietors, much litigation ensued until the final settlement of the controversy in 1814. At least one hundred depositions in proof of early claims are in Vol. VII., 492a, of the manuscript "Pejepscot Papers," of which seven volumes, carefully arranged, are in the possession of the Maine Historical Society.

Much information on the Pejepscot patent is given by John McKeen, "Early Settlements at Sagadahock," Maine Historical Society, "Collections," III., 316, 317; also by George Augustus Wheeler and Henry Warren Wheeler, "History of Brunswick . . . including the Ancient Territory known as Pejepscot" (Boston, 1878).

A deposition by John Archdale, who was in New England in 1664 as the agent of his brother-in-law, Sir Ferdinando Gorges, was for a long time in the possession of Isaac Story of Boston, and was printed by him from the original in the "New England Historical and Genealogical Register" (1859), XIII., 303. "Purchase's Patent of Lands in Maine" gives so good a summary of popular belief in Archdale's time that it is here printed from the "Register."

Text.

These may Certifye whom it may Concern, That Whereas King Charles the first of ever Blessed memory by his L'res Pattents under the great Seale of England beareing date the third day of Aprill in the 15th yeare of his Reigne, [did] Give, grant & Confirm unto S^r^ Ferdinando Gorges Kn^t^, his heires and Assignes for ever the Propriety & Governm^t^ of all that Country called the Province of Maine lyeing between the River of Kennebecke Eastward and Pisscataway westward Saveing and reserving to the Severall Proprieto^rs^ their Right who held by former Grants or Pattent as by the said Patent relaton being therevnto had doth and may appear. *And Whereas* John Archdale Esq^r^ by a legall Com̃ission had and obteined by Ferdinando Gorges Esq^r^ Grandson & heire to the said S^r^ Ferdinando Gorges who was then the right owner and propriet^r^ thereof, and by vertue of which Com̃ission Soe had and obteined as aforesaid The said John Archdale was resident there for the space of a twelve month or thereabouts, *And Whereas* one m^{r} Thomas Purchase in his own right by vertue of a prior Pattent was seized and possessed of certaine Lands and Tenemen^{ts} within the said Province as the said John Archdale was Credibly informed and doth veryly beleive. And alsoe the said John Archdale hath been Credibly informed and doth veryly beleive it to be true that the Tenem^{t} of the said Thomas Purchase was unfortunately burnt downe and destroyed by fire, and that he heard the said Thomas Purchase say that his Pattent was at that time burnt and destroyed therein., Wittnesse my hand this fourth day of February Annoq. Dm̄ 1687/8

And I doe not question but that my Brother Gorges upon the Credible information giuen mee as aboues^{d}; had hee continued Proprietor would haue confirmed y^{e} said tract of Land unto him. Wittnesse my hand y^{e} day and yeare above written.

JOHN ARCHDALE.

Witnessé F. Gorges Jun^{r}

XXXVIII.

LIVERY OF LAND AT CAPE PORPOISE TO THOMAS CAMMOCK, BY WALTER NEALE, GOVERNOR OF PISCATAQUA.

$^{\text{May } 23}_{\text{June } 2}$, 1633.

Sources.

The deed of "livery" by Walter Neale, governor of Piscataqua, to Thomas Cammock, $^{\text{May } 23}_{\text{June } 2}$, 1633, was an act of confirmation in behalf of the Great Council for lands given to Cammock by the patent of November 1/11, 1631.

Until the union with Massachusetts by the charter of 1691 the ceremony of "livery of seizin" was generally attended to in all conveyances within the province of Maine

The early volumes of "York Deeds" abound in records of this method of conveyance, familiarly known as "turf and twig." In the conveyance by Worumbo, the ceremony was performed according to the ancient custom of handing over to the new possessor a twig and some of the turf, to represent the complete transference of rights of ownership.

The deed of delivery to Cammock was recorded at York, September 22 / October 2, 1670, and is found in "York Deeds," II., folios 84, 85. In 1853 the deed was in the possession of Mr. William S. Southgate, who printed it in Appendix A of his "History of Scarborough," Maine Historical Society, "Collections" III., 229.

The text adopted for this collection of documents is that of the "York Deeds."

Text.

These are to Certify that the 23th of May 1633: Capt Walter Neale did according to order directed from the President & Counsell of New England deliver possession vnto Capt Thomas Cam̃ocke of all the Lands Contayned in a Pattent granted vnto the sd Thomas Cammocke dated the prime of Novembr 1631: consisting of fiueteen hundred Acers being bounded to the Southward with the Bay of Sacoe, on the Westward with blã: Poynt River, To the Eastward with the small brooke Called Spurwinke, & soe running vp one mile from the Entrance, & on the West side of the sayd Spurwinke, & from thence crossing over with a streight lyne to the nearest part of the aforesayd blã: Poynt River, is appoynted the Northern Lymitts/ In testimony wrof I haue here vnto subscribed/

Witnesses to the Delivery of the
possession/ ꝑ mee John Winter Wa: Neale/
Abraham Shurt/
The marke of
Richd Smyth

A true Coppy of this Instrument of delivery aboue written transcribed out of the originall, & y^{r}with Compared this 22 : Septemb^{r} 1670 : p Edw : Rishworth ReCor :

XXXIX.

RATIFICATION IN FAVOR OF THE VISCOUNT STIRLING, BY THE PARLIAMENT OF SCOTLAND.

$\substack{\text{June } 28\\ \text{July } 8}$, 1633.

Sources.

The rights and titles of Alexander, Earl of Stirling, which had been confirmed to him by royal charters, were still further strengthened by an act of the Scottish parliament, $\substack{\text{June } 28\\ \text{July } 8}$, 1633. Although the two crowns were united by the accession of James Stuart to the English throne, there were two distinct parliaments until the reign of Queen Anne, 1702-14.

An exact transcript of the original "Acta Parliamentorum Caroli I." was made for "The Acts of the Parliaments of Scotland, Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain" (1817). The "Ratification" is in Vol. V., 43. It was printed in a slightly modernized form from the same source by the Bannatyne Club, David Laing, editor, "Royal Letters, Charters, and Tracts" (Edinburgh, 1867), 81, 82 ; and by Sir Thomas Christopher Banks, "Copies and Translations of the Royal Charters, (confirmed in Parliament) . . . . to the Right Hon. Sir William Alexander, Knight" (London, 1831), Prospectus 2 ; also by the same, "An Analytical Statement of the Case of Alexander, Earl of Stirling and Dovan" (London, 1832), 14, 15.

The text adopted for this reprint is that of "The Acts of the Parliaments of Scotland."

Text.

RATIFICATIOUN in favours of the vicount of Sterling of the infeftments and signatur grantit To him of the Dominiones of Newscotland and Canada in America And priueledges thairincontenit AND of the dignitie and order of knicht Baronets and Act of conventione of estaits maid thairanent

OURE SOVERANE LORD And estaits of this present parliament Ratifie and approue All letters patents and infeftments grantit by king James the saxt of Blissed memorie or by our said Soverane lord wnto Williame vicount of Sterling and to his airs and assignais of the territories and dominiones of New Scotland and Canada in America And especiallie The patent chartor and infeftment grantit by his Majesties vmquhyle dearest father of worthie memorie of New Scotland Of the dait the tent day of September the year of god 1621 ITEM ane other chartor of the same grantit by his Majestie wnder the great seale of the dait the tuelf day of July 1625 years ITEM ane other chairtor and infeftment grantit by his Majestie of the cuntrie and dominione of New Scotland wnder the great seale of the dait the thride day of may 1627 years ITEM another chartor and infeftment grantit by his Majestie wnder the great seale of the river and gulfe of Cannada bounds and priveledges thairof mentionat in the said patent of the dait the second day of februar 1628 yeirs ITEM a signature past wnder his Majesties hand of the said cuntrie and dominione Which is to be with all diligence exped through the seales of the dait at Whytehall the tuentie fourt day of Apryll 1633 years With all liberties priveledges honours jurisdictiones and dignities respective thairin mentionat Togither also with all executione precepts instruments of seasings and seasings following or that fall happin to follow thairvpon And also Ratifies and approves the act of generall conventione of estates At Holyrudhous the saxt day of July the yeir of god 1630 Whairby the saids estates haue ratified and approved The dignities and order of knicht baronet With all the actes of Secreit counsall and proclamations following thairvpon maid for mainteining of the said dignitie place and precedencie thairof And his Majestie and estates forsaids Will statuit and ordaine that the saids letters patents charters and infeftments And the said dignitie title and order of baronetts And all letters patents and infeftments of lands and dignities grantit thairwith To any persone quhatsumever sall stand and continew in full force With all liberties haill priveledges and precedencies thairof According to the tenour of the same And in als ample maner as if the bodies of the saids letters patents infeftments and signatur abouementionat wer heirin particularlie ingrost and exprest And ordaines intimatione to be maid heirof by open proclamatione to all his Majesties lieges at the mercat crose of Edinburgh and other places neidfull that none pretend ignorance heirof

---

XL.

FINAL DIVISION OF THE PATENT FOR NEW ENGLAND, BY THE GREAT COUNCIL FOR NEW ENGLAND.

FEBRUARY 3/13, 1634/5.

Sources.

The division of the patent for New England by the Great Council took place at Lord Gorges' house in London, February 3/13, 1634/5. The territory upon the coast included within the limits of the patent was divided into eight parcels, each of which, except the last two, was to have an additional grant of ten thousand acres on the east side of Sagadahoc.

Parcel No. 6 was assigned to Captain Mason, No. 7 to Sir Ferdinando Gorges, and No. 8 to William, Lord Alexander; each of these lots relates to the territorial history of Maine. The division was confirmed to the proprietors by confirmatory grants from the king or from the Great Council.

The authoritative source is the "Records of the Great Council for New England," preserved in the Public Record Office, London, of which the only complete reprint is that of Charles Deane, editor, in American Antiquarian Society, "Proceedings" (1867), 114-118.

Text.

Att a Meetinge att the Lord Gorges House
y^{e} 3^{d} Feb. 1634.
present.
Earle of Sterline.
Lord Maultrovers.
Lord Gorges.
S^{r} Ferd: Gorges.
Cap^{t} John Mason.

This day was an Agreem^{t} made for y^{e} severall divisions upon y^{e} seacoals [seacoasts] of New England as followeth.

For as much as by a mutuall agreem^{t} wee, whose names are subscribed Pattentees or Adventurers and of y^{e} Councell of New England, are to joyne in y^{e} surrend^{r} to his Ma^{ty} of y^{e} great Charter of y^{t} countrey w^{ch} was granted unto us in the 8th [18th] yeare of y^{e} raigne of King James of Blessed memory, in whose p^{r}sence Lotts were drawne for setling of divers and sundry divisions of Lands on y^{e} sea coast of y^{e} s^{d} country upõ most of us, w^{ch} hitherto have never been confirmed in y^{e} sđ lands soe alotted, and to y^{e} intent y^{t} every one of us according to equity and in some reasonable manner answerable to his adventures or other interest may enjoy a ꝓportion of y^{e} lands of y^{e} s^{d} country to bee immediatly holden of his Ma^{ty}, wee therfor doe condiscend ["and agree."—Hubbard] y^{t} all y^{t} part of y^{e} sea coast of y^{e} said country hereafter expressed shall belong unto y^e right hon^{ble} the Earle of Arrundell and Surry, videlicett; To beginne at y^e fortyeth degree where y^e Lymits of New England, Arrundell & Surrey, begins, and so to proceed along y^e sea shoare to Hudson's River, and upõ y^e same in y^e middle thereof, untill 60 miles be ended, to bee reckoned from the mouth of the s^d river or entrance thereof, and from thence to crosse over land south westwards to y^e Ld̄ Baltimore's plantac̃õn of Mery Land, and hereunto is to belonge y^e Island of Manhatas lying wthin the mouth of the river aforesaid, alsoe hereunto is to belong 10,000 Acres to bee laid out on y^e east parte of Sagadahock.

Signed by Lenox, Hamilton, Carlisle, Sterline, Ed. Gorges, S^R Ferd. Gorges, Cap^T John Mason.

To begin at the middle of y^e entrance of Hudson's River and soe to proceed eastwards to a river or Creeke neare to a place called Redunes or Reddownes, about 60 miles east from Hudson's River, and from tence up into y^e lands North Westwards 60 miles, and soe to crosse over lands South westwards to meet wth y^e end of y^e 60 myles reckon from y^e mouth or entrance of y^e s^d River called Hudson's, and upwards alongst y^e Easterne shoare of y^e same; and here unto is added 10,000 Acres upon the east part of Sagadahocke.

Signed by Hamilton, Arundell & Surrey, Carlisle, Sterline, Ed. Gorges, S^R Ferd. Gorges, Capt. John Mason.

To begin at y^e middle of y^e River or Creeke neer y^e place called Rodunes or Reddownes, and soe to goe eastwards about 45 myles to a creeke or river called fresh river, & from thence up into y^e Land Northwestwards 60 myles, and soe to crosse over land south westwards to meet wth ye end of y^e 60 miles to be reckoned upwards northwest frõ y^e mouth or entrance of y^e said river neer y^e Redd downes;

And hereunto is added 10,000 Acres in some of y^{e}east parte of Sagadahock.

Signed by LENOX, HAMILTON, ARUNDELL and SURREY, STERLINE, ED. GORGES, S^R FERD. GORGES, CAPT. JOHN MASON.

To begin at the middle of y^e entrance of y^e river of Conectecult, and soe to proceed eastwards to y^e Naragansetts River or harbour accompted about 60 miles, and soe up y^e westerne arme of y^e river to y^e head thereof and into y^e land north westwards till 60 miles be finished, being reckoned frõ y^e entrance, and soe to y^e crosse over y^e land south westwards to meet wth the end of 60 miles to be accomted from the mouth of Covectecult up Northwest; & hereunto is to be added 10,000 Acres on y^e east part of Sagadahocke.

Signed by LENOX, ARUNDELL and SURREY, CARLISLE, ED. GORGES, STERLINE, S^R FERD: GORGES, CAPT. JOHN MASON.

[5. Gorges]

To begin at y^e middle of the west entrance of the Naragansetts & so to proceed along the Coast Eastwards to Cape Codd & round ab^t the same, keeping on Northeastheards to Namebeck, which is on y^e East side of the Massachusetts, & from thence N. E. into the Land 60 miles. Also from the Westmouth or entrance of y^e Naraganzetts, continuing up y^e Western arm of y^e same to the head therof, & from thence into y^e Lands N. Wards till 60 miles be finished from the first Entrance, from which period to crosse over land to y^e 60 miles end accounted West from Namebeck as aforesaid; and hereunto is to be added 10,000 acres on the east part of Sagadahocke.

Signed by HAMILTON, ARUNDEL & SURREY, CARLILE, STERLINE, S^R FERDINANDO GORGES, CAPT. JOHN MASON.

[6. Capt. John Mason.]

To beginn at y^e middle of Namekeck harbour or river & from thence to proceed E. ward along y^e sea coast to Cape Anne, & round about y^e same into Pascataway Harbour, & so forth wards up within y^e river of Newichewanock, & to y^e furthest head of y^e said river, & from thence N. W. ward till 60 miles be finished from the first entrance of Pascataway harbour. Also from Namekeck from the Harbour & river thereof up into y^e Land west 60 miles, from which period to crosse over land to the 60 miles end accounted from Pascataway throū Newichewanock River into y^e Land N. West as aforesaid; & hereunto is to belong y^e south halfe of y^e Isles of Shoales & 10,000 Acres on y^e S. East part of y^e River Sagadahock at y^e Mouth or Entrance therof.

Signed by Lenox, Arundell & Surrey, Carlile, Sterline, Ed. Gorges, S^R Ferd. Gorges.

[7. Sir Ferdinando Gorges.]

To begin at y^e midle of y^e Entrance of Pascataway harbour & so to passe up y^e same into y^e River of Newichewanock & throū y^e same und [unto] the furthest head, & from thence N. W. ward till 60 miles be finished: also from Pascataway harbours mouth afores^d along y^e sea coasts to Sagadahock, & up y^e River therof to Kinebequi river, and throū y^e same unto y^e head therof & into y^e land N.Wwards, untill 60 miles be ended, being accounted from y^e mouth of Sagadahoc & from y^e Period of 60 miles afores^d to crosse overland to the 60 miles end formerly reckond up into y^e Land from Pascataway the harbour to new Chawanock river; & herunto is to be added the North Halfe of y^e Isles of Shoals, & also the Isles of Capawock, Nautican &^{c} near unto Cape Codd.

Signed by Lenox, Hamilton, & Arundel & Surrey, Carlile, Sterline, Ed. Gorges, Cap^T John Mason.

[8. Lord Alexander.]

To begin at St. Croix next to New Scotland, & so to passe along y^e^ sea Coast to Pemaquid, & up the river therof to the furthest head of y^e^ same as it tendeth Northwards, and from thence at y^e^ nearest to Kenebecqui, & up that river by y^e^ shortest course to the river of Canada: & herunto is to belong the Island called Mattawack or the Long Island.

Signed by LENOX, HAMILTON, ARUNDEL & SURREY, CARLILE, EDW. GORGES, S^R^ FERD. GORGES, CAPT. JOHN MASON.

Saving & reserving out of this division to every one that hath any Lawfull grant of Lands or plantations lawfully setled in y^e^ same, y^e^ freeholding & enjoying of his right with y^e^ libertyes therunto appertaining, laying down his *Jura regalia* (if he have any) to y^e^ Proprietors of this division, wherin his Land lyeth, & paying some small acknowledgment for y^t^ he is now to hold his said Land anew of the proprietor of this division.

Memorandum, that to all these particular grants of the Divisions aforesaid did signe with their own hands upon y^e^ 14th of Aprill following all y^e^ above named Lords and others, and theruppon they had every one his particular division delivered out unto them.

Memorand. the 18th day of Aprill following Leases for 3000 years were made of the several divisions to severall ꝑsons intrusted for their benefitts.

Memorand. the 22d day of Aprill several deeds of feofment were made unto the several proprietors of their severall parts so to them allotted by the Divisions aforesaid.

XLI.

EXTRACTS FROM THE PATENT OF THE COUNTY OF CANADA TO WILLIAM, LORD ALEXANDER, BY THE GREAT COUNCIL FOR NEW ENGLAND.

APRIL 22 / MAY 2, 1635.

Sources.

William, Lord Alexander, who received the patent of Nova Scotia, April 22 / May 2, 1635, was the eldest son of the Earl of Stirling. He, with his father, became a member of the Great Council but a short time before the division of the patent. A memorandum shows that his grant was one of the "deeds of feofment" under that division. Alexander's rights in Nova Scotia, under royal charter, were practically nullified by the treaty of St. Germain. The new grant from the Great Council was westward from the St. Croix, a circumstance which extended the name Nova Scotia to the Penobscot country.

The last meeting of the Great Council was held at Lord Stirling's house after the patent was surrendered. An "augmentation," which included the area on the east side of the Sagadahoc, granted to the other proprietors under the final division but never appropriated, was conveyed to the Earl of Stirling at that meeting.

The parchment deed of the "County of Canada" is preserved in the Public Record Office, London; it was printed for the Bannatyne Club, David Laing, editor, "Royal Letters, Charters and Tracts" (Edinburgh, 1867), Preface, 89-91, and reprinted by Edmund F. Slafter, editor, "Sir William Alexander and American Colonization" (Prince Society, 1873), 251-255.

The text adopted is that of Laing for the Bannatyne Club.

Text.

To all Christian people vnto whom theis presents shall come The Councell for the Affaires of New England send greetinge in our Lord God everlastinge. Whereas our late Souraigne Lord Kinge James of blessed memory by his highnes Letters Patente vnder the greate seale of England, bearing date att Westminster the Thirde daye of November in the eighteenth yeare of his Ma^{ties} raigne ouer his highnes Realme of England, for the consideration in the said Letters Patente expressed and declared hath absolutely given graunted and confirmed vnto the said Counsell and theire successors for euer all the lands of Newe England in America lyinge and beinge in breadth from fortie degrees of Northerly latitude from the Equinoctiall lyne to fortie eight degrees of the said Northerly latitude inclusivelie . . . Now Knowe all men by these presents that the said Counsell of New England in America beinge assembled in publique Courte, accordinge to an acte made and agreed vppon the thirde day of ffebruary last past before the date of theis presents for diuers good causes and consideracions them herevnto especially moveinge have given, graunted, aliened, bargayned, and sold And in and by theis presents doe for them and theire Successors give, graunt alien bargaine sell and confirme vnto the right honorable William Lord Alexander his heires and assignes, All that part of the Maine Land of Newe England aforesaid beginninge from a certaine place called or knowne by the name of Saint Croix next adjoininge to New Scotland in America aforesaid and from thence extendinge alonge the sea coast vnto a certaine place called Pemaquid, and soe vpp the River thereof to the furthest head of the same as it tendeth Northwarde and extendinge from thence att the nearest vnto the River of Kinebequi and soe upwards alonge by the shortest course which tendeth vnto the River of Canada ffrom henceforth to be called and knowne by the name of the Countie of Canada. And allsoe all that Island or Islands heretofore comonly called by the severall name or names of Matowack or Longe Island and hereafter to be called by the name of the Isle of Starlinge situate lyinge and beinge to the westward of Cape Codd or the Narohiganlets within the latitude of ffortie or fortie one degrees or thereabouts abuttinge vpon the Maineland betweene the two Rivers there knowne by the severall names of Conectecutt and Hudsons River and conteyninge in length from East to West the whole length of the Sea Coast there betweene the said two Rivers. Together with all and singular havens, harbours creekes, and Islands, imbayed and all Islands and Iletts lyinge within ffive leagues distance of the Maine beinge opposite and abuttinge vpon the premises or any part thereof not formerly lawfully graunted to any by speciall name . . . . To be holden of the said Councell and theire successors, per *Gladium Comitatus*, that is to say by findeinge foure able men conveniently armed and arrayed for the warre to attend vppon the Governor of New England for the publique seruice within ffourteene dayes after any warninge given . . . .

XLII.

GRANT OF MASONIA TO CAPTAIN JOHN MASON, BY THE GREAT COUNCIL FOR NEW ENGLAND.

April 22/May 2, 1635.

Sources.

The grant of New Hampshire, with that of Masonia, by the Great Council, April 22/May 2, 1635, was mainly to confirm to Captain John Mason the right to territory assigned to him at the meeting of February 3/13, 1634/5, when the great patent was divided. The portion to be known as Masonia was the "augmentation" east of the Sagadahoc to be added to his original grant of New Hampshire. On the same date a deed of nearly the same tenor was also issued by the Great Council.

Notarial transcripts of the original documents were recorded at York in 1667, and are found in "York Deeds," II., fols. 15-17. A transcript from the manuscript records at York was printed by Ebenezer Hazard, "Historical Collections, consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 384-387; also (*ibid*, 383), the "allotment" from the records of the Great Council. From Hazard the grant was reprinted by Nathaniel Bouton, compiler, "Records of New Hampshire, Provincial Papers," I., 33-36, and in New Hampshire Historical Society, "Collections," I., 313-317; it is also in Ben: Perley Poore, compiler, "The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States" (Washington, 1877), 1273, 1274. Mr. William M. Sargent, editor of the "York Deeds," transcribed both the grant and the deed of Masonia for John Ward Dean, editor, "Capt. John Mason, the Founder of New Hampshire" (Prince Society, 1887), 209-215.

The text adopted is that of the "York Deeds," to which all other texts are traced.

Text.

To all Christean people vnto whom these Presents shall come, the Councell for the affayres of New England In America send greeteing in o^{r} Lord god everlasting/ W^{r}as our late Soueraign Ld King James of blessed memory, by his highness letters pattents vnder the great seal of England beareing date at Westminster the third day of Novemb^{r} In the eighteenth yeare of his Reign over his highness Realme of England, for the Consideration In these letters Pattents expressd, & declared, hath absolutely given granted & Confirmed vnto the said counsell, & their successors for ever, All the land of New England In America, lijng & being in breadth from fourty degrees of Notherly Latitude from the equinoctiall Lyne to fourty eight degrees of the sd

Notherly latitude Incluseively, & In length of and with in all the breadth aforesd, from sea to sea, togeather alsoe with all the firme Lands Soyles grounds, havens ports Rivers, Waters, fishings, Mines, & Mineralls as Well Royall Mines of gould & silver as other Mines, & Mineralls pretious stoons quaries, & all singular other commoditys, Jurisdictions Royaltys, priviledges Frantisces, preheminences, both with in the sd Tract of Land, vpon y^{e} Mayn & alsoe within the Ylands & seas Adioyneing, as by the sd letters pattents, amongst diverse other things therein Contayned, more at large, doth & may appeare; Now know all men by these ꝑsents, That y^{e} sd Counsell of New England in America being assembled In publick Court, according to an act made & agreed vpon the third day of February last past before the date of these Presents, for diverse good causes & considerations, them y^{r}vnto espetially moueing, Have given, granted, aliened barganed & sould, & in & by these Presents do for them & thejr successors, give, grant, aliene bargane sell & confirme vnto Cap^{t} John Mason Esq^{r}, his heyres & assignes, all that part of the Mayn Land of New England aforesd, begining from the Middle part of Navmkeck River, & from thence to proceed Eastwards along the sea Coast to Cape Anne & round about the same to Pischataway Harbor, & soe forwards vp with in the River of Newgewanacke, & to y^{e} furthest head of the sd River, & from thence North Westwards, till sixty Miles bee finished, from the first entrance of Pischataqua Harbor & alsoe from Naumkecke through the River thereof vp into the Land West sixty Miles, from which period to cross over Land to y^{e} sixty Miles End, accompted from Pischataway, through Newgewanack River to the Land North West aforesd, & alsoe all that the South halfe of the Yles of shoales, all which Lands with the Consent of the Counsell shall from henceforth bee Called New Hamshyre/ And alsoe tenn Thousand

Acers more of Land In New England aforesd, on the South East part of Sagadihoc, at the Mouth or entrance y^{r} of, from henceforth to bee Called by the name of Massonia/ togeather with all & singular Havens Harbors, Cricks, & Iylands Imbayd, & all Islands & Isetts, lijng with in fiue leagues distance of the Mayne land opposite & abbutting vpon the Premises or any part thereof, Not formerly lawfully granted to any, by spetiall name, & all Mines, Mineralls, quaries soyles, & woods, Marshes waters Rivers lakes, fishing, hawkings hunting, & fowling, & All other Royaltys, Jurisdictions previledges, Preheminences profitts, com̄oditys, & hæriditaments w^{t}soever, with all & singular thejr & every of y^{r} app^{r}tenances & togeather alsoe with all rents reserved, & the benefitt of all profitts due to the sd Counsell, & thejr successors, with pouer of Judicature in all causes & matters w^{t}soever, as Well Criminall Capitall & civill, ariseing or which may hereafter arise with in the Lymitts, bounds & p^{r}cincts aforesayd, to bee exercized, & executed according to the Laws of England, as neere as may bee, by the sd Cap^{t} John Mason his heyres & assignes, or his or thejr Deputys Leeften^{ts} Judges, Stewards or officers therevnto by him or them assignned, deputed or appoynted from tyme to tyme, with all other priviledges frantises, Lybertys, Immunitys, Escheats, & causuallitys, there of ariseing or which shall or may hereafter arise with in the sd Lymitts & ꝑcincts with all the Right title Clayme & dem̄and w^{t}soever, which the sd Counsell & thejr successors now of right haue or ought to haue or Claime, or may haue or acquir hereafter in or to the sd portion of Lands, or Islands, or any of the ꝑmisses, and In as large free ample benefitiall a manner, to all Intents Constructions & purposes w^{t}soever, as the sd Counsell, by vertue of his Majestys sd letters Pattents may or Can grant the same saveing & always reserving vnto y^{e} sd Counsell & thejr successors pouer to receive heare & determine & singular appeale & appeales of every ꝑson & Prsons w^{t}soeuer, dwelling or Inhabiting with in the sd Teritorys & Yslands or any Prt thereof, soe granted as aforesd, of & from all Judgments & sentences w^{t}soeuer given with in the sd Lands, & territorys aforesd, To haue & to hould all & singular the Lands & ꝓmisses aboue by these ꝓsents granted (except before excepted) with all & all manner of Profetts, commoditys & hæriditaments, whatsoeuer, with in the Lands & ꝓcincts aforesd, to the sd Lands Yslands and ꝓmisses, or any Part of them any wise belonging, or appertayning vnto the sd Cap^{t} John Mason his heyres & assignes, to the onely ꝑper vss & behoofe of him the sd Cap^{t} John Mason his heyres & assignes for ever, to bee houlden of the sd Counsell & thejr successors ꝑ gladium Commitatis, that is to say by finding foure able men conveniently armed & arayed for the warr to Attend vpon the Gouerñ^{r} of New England, for the publick service of, within foureteen days after any warneing given/ Yejlding & paijng vnto the sd Counsell & y^{r} successors for ever one fift Part of all the oare of the Mines of gould & silver, which shall bee had possessed or obtayned, with in the Lymitts or ꝓcincts aforesd, for all Rents services, dutys & dem̄ands w^{t}soeuer, due vnto the sd Counsell & thejr successors, from any plantation within the Precincts aforesd, the same to bee delivered vnto his Majestys Receiver his Deputy or Deputys assigned for the receipt there of to the vss of his Majesty his heyres & successors from tyme to tyme with in the Lands ꝓcincts & territorys of New England, aforesd; And lastly the sd Counsell haue deputed & authoriz'd & appoynted & In thejr place & stead haue putt Henery Jocelyn Esq^{r}, & Ambrose Gibbines Gentlẽ: or either of them to bee y^{r} true & lawfull Atturney, & Atturneys for them & In y^{r} name & stead to enter into the sd Lands & other the ꝓmisses with thejr appurtenances or any Part thereof in the name

of the whool, & to take quiett & peaceable possession & seazin thereof soe had & taken as aforesd/ then to deliver the same vnto the sd Cap^{t} John Mason his heyres or assigns, or to his or thejr Certen atturney or Atturnys to bee by him or y^{m} deputed on that behalfe, according to the purport trve Intent & meaning of these ꝑsents/ In witness w^{r} of they the sd Counsell haue here vnto afixed thejr coman̄ seal/ Dated the Two & Twenteth day of Aprill, In the Eleaventh yeare of the Reigne of o^{r} Soueraign Ld Charles by the grace of god King of England Scottland, ffrance & Ireland Defend^{r} of the faith Anno : Dom̄ : 1635 :
Sealed with the seal of the sd Counsell there to appended/

Vera Copia/

Fred : Ixem Notoio^{s}
Publicus/

A trve Coppy transcribed out of the originall Coppy & there with Compared this 27 : May : 1667 :

p Edw : Rishworth ReCor :

XLIII.

DECLARATION FOR RESIGNATION OF THE GREAT CHARTER, BY THE GREAT COUNCIL FOR NEW ENGLAND.

$\frac{\text{April 25}}{\text{May 5}}$, 1635.

Sources.

For "A Declaration of y^{e} Councill of New England for y^{e} Resignation of y^{e} great Charter & y^{e} Reasons moving y^{m} y^{r}to," $\frac{\text{April 25}}{\text{May 5}}$, 1635, the best text is that made under the direction of W. Noel Sainsbury of her majesty's Public Record Office, and published by Charles Deane, editor, "Records of the Council for New England," American Antiquarian Society, "Proceedings" (1867), 123-126. An early manuscript copy is in the library of the Massachusetts Historical Society, "Letters and Papers," 1632-78, p. 2.

The Declaration was first printed in America from a manuscript copy by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 390-392; it has also been printed by William T. Davis, "A History of the Town of Plymouth, with a Sketch of the Origin and Growth of Separatism" (Philadelphia, 1885), Appendix V., 145, 146.

The complaints against the colony of Massachusetts Bay, as stated in the Declaration, resulted in a writ of *quo warranto*, issued in June, 1635, by Sir John Banks, attorney-general. That document was printed from the "Danforth Papers," by the Massachusetts Historical Society, "Collections," 2d Series VIII., 97. There was no service of the writ in Massachusetts, and possession of the charter gave a security to the colony, a fact which, in subsequent years, proved dangerous to the settlements lying north of the Merrimac.

The text adopted here is that of the manuscript in the Massachusetts Historical Society.

Text.

Forasmuch as we have found by a long experience, y^{t} y^{e} faithfull endeavours of some of vs y^{t} have sought y^{e} advancem^{t} of y^{e} Plantation of N: E have not been wthout frequent & inevitable troubles of Companions to o^{r} vndertakings from o^{r} first discovery of y^{t} Coast to y^{e} p^{r}sent by great charges & necessary expences, but also depriving us of diverse of o^{r} freinds & faithfull servants imployed in y^{t} worke abroad, whilest o^{r}selves at home were Assaulted wth sharp litigious questions before y^{e} Lords of his Maj^{ties} most Hon^{ble} Privy Councill, by y^{e} Virginia Company, & y^{t} in y^{e} very infancy thereof, who finding they could not p^{r}vaile in y^{t} way, they fayled not to p̃secute y^{e} same in the House of Parliam^{t}, p^{r}tending o^{r} said Plantation to be a greivance to y^{e} Com̄onwealth, & for such p^{r}sented it unto K: James of blessed memory, who althô his justice & Royal nature could [not] so relish it, but was otherwise pleased to give his gracious incouragement for ꝑsecution thereof, yet such was the times, as the affeccõns of the multitude were thereby disheartened, & so much the more by how much it pleased god about that tyme to bereave us of y^e^ most noble & principal props thereof, as y^e^ Duke of Lenox, Marquis Hamilton, & many other strong stais to y^s^ weake of Building Then followed y^e^ Clayme of y^e^ French Ambassadour, taking advantage of the Divisions made of the Seacoasts between o^r^ selves. to whome we made a just & satisfactory Answer (as it seemes) for y^t^ he rested contented therewith, & since y^t^ we have heard no more thereof. Neverthelesse these crosses did draw upon us such a disheartned weakenesse, as there only remained a Carcas in a manner breathlesse, till y^e^ end of the last Parliam^t^. when y^r^ were certain y^t^ desired a Patent of some Lands in the Massachusets Bay to Plant upon, who p^r^senting the names of Honest & Religious men, easily obtained their first desires, but these being once gotten they used other meanes, to advance them selves & step beyond their first proportions to a second Grant surreptitiously gotten of other Lands also justly past unto Cap^t^: Robert Gorges long before, who being made Govern^r^ of those parts, went in person & tooke an absolute seizure, & actuall possession of y^t^ country, by a setled Plantation he made, in the Massachusets Bay, w^ch^ afterwards he left to the charge & custody of his servants & certain other undertakers & Tenants belonging unto some of us, who were thrust out by those Intenders that had exorbitantly Bounded their Grant from East to West through all that main Land from Sea to Sea, being neer about three thousand Miles in length, with all riding over y^e^ heads of all those Lords & others that had their portions assigned unto them in his late Ma^ties^ presence, & w^th^ his Highnesse approbation by lot, upon the South coast from East to West, some eighty or one hundred leagues long. But herewith not yet content, they laboured & obtained unknown to us a confirmation of all this from his Ma^{tie}, & unwitting thereof. by w^{ch} meanes they did not only Enlarge their first extents to the West limits spoken of, but wholy excluded themselves from y^{e} Publick Goverm^{t}. of y^{e} Councill Authorized for those affairs. & made y^{m}selves a free people, & for such hold themselves at y^{e} p^{r}sent. Whereby they did rend in peeces the first foundation of the Building & so framed unto y^{m}selves both new Lawes, and new conceits of matters of religion, and formes of Eclesiastical & Temporal Orders & goverment. Punishing diverse y^{t} would not approve thereof, some by whipping others by burning their Houses over their Heads & some by banishing & the like, And all this partly under other pretences, thô indeed for no other cause save only to make y^{m}selves absolute Masters of y^{e} Country, & unconscionable in y^{r} new Lawes. So as those complaints posting first unto o^{r}selves, y^{t} had no sufficient meanes to redresse or give satisfaction to y^{e} persons aggreived, they were at last of necessity petitioners unto his Ma^{ie} who pittying y^{r} cases referred y^{m} to y^{e} Lords, to examine y^{e} truth thereof, & to consider of y^{e} meanes of reformation, who calling some of us to give acco^{t}, by w^{t} Authority, or by whose meanes these People were sent over, & conceiving some of us to be guilty thereof, we were called for from o^{r} houses farre remote in y^{e} country at unseasonable times to o^{r} great charge & trouble. But as innocence is confident, so we easily made it appear y^{t} we had no share in y^{e} evils com̃itted, & wholy disclaimed having any hand therein, humbly referring to y^{r} Lrd^{ps} to doe w^{t} might best sort wth y^{r} wisedoms who found matters in so desperate a case, as that they saw as that they saw [sic.] a necessity for his Ma^{tie} to take y^{e} whole buisnesse into his own hands, if otherwise we could not undertake to Rectify w^{t} was brought to ruine But finding it a taske too great for us to performe, we rather chose to resigne all into his Ma$^{\text{ties}}$ hands to doe therein as he pleased, to w$^{\text{m}}$ we conceaved it did principally belong to have care of a buisnesse of so high a consequence as it is now found to be.

After all these troubles & upõ these consideracõns it is now resolved y$^{\text{t}}$ y$^{\text{e}}$ Patent shall be surrendred unto his Ma$^{\text{tie}}$, w$^{\text{th}}$ reservation of all such lawfull rights as any is or hath been seized w$^{\text{th}}$ eyther before or since the Patent Granted to those of y$^{\text{e}}$ Bay of Massachusets. And that it may please his Ma$^{\text{tie}}$ to Passe particular Grants unto us of such proportions of Lands as we have mutually agreed upon & are recorded before in y$^{\text{s}}$ Booke That we having his Ma$^{\text{ties}}$ grants of the same under a setled Goverment, may the more cheerfully proceed in y$^{\text{e}}$ planting of o$^{\text{r}}$ severall Provinces, & w$^{\text{th}}$ y$^{\text{e}}$ better courage & assurance prosecute y$^{\text{e}}$ same to a full setling of the state of those countries, & a dutifull obedience of all such as shall come under us to his Majesties Lawes & ordinances there to be establish$^{\text{ed}}$, & put in execution by such his Maj$^{\text{ties}}$ Lieftn$^{\text{ts}}$ or Governo as shall be imployed for those services, to y$^{\text{e}}$ glory of Allmighty god, the Honor of his Ma$^{\text{tie}}$, & Publick good of his faithfull Subjects. And thus much we have thought fit to be Recorded, & in convenient tyme published, y$^{\text{t}}$ Posterity may Know y$^{\text{e}}$ Reasons & necessities moving us to quit o$^{\text{r}}$selves of these inconveniences & dangers that might have fallen upon the Plantations for want of power in us to reforme the same.

XLIV.

HUMBLE PETITION FOR THE ACT OF SURRENDER OF THE GREAT PATENT, BY THE GREAT COUNCIL FOR NEW ENGLAND.

MAY 1/11, 1635.

Sources.

For the humble petition for the act of surrender of the great patent, which was presented to King Charles I., May 1/11, 1635, the best text is that made under the direction of W. Noel Sainsbury, and published by Charles Deane, editor, "Records of the Council for New England," American Antiquarian Society, "Proceedings" (1867), 119, 120. It was first printed by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 392, and reprinted by Nathaniel Bouton, compiler "Records of New Hampshire, Provincial Papers" I., 40.

Text.

At a Meeting in the Earl of Carlile's
Chambr at Whitehall
the 26th *day of April* 1635
present
EARL MARSHALL.
EARL OF CARLILE.
EARL OF STERLINE.
Ld MATREVERS.
Ld GORGES.
Sr FERD. GORGES.
CAPT. J. MASON.

Memorandum, ye Marq. Hamilton being in Physick sent word to this meeting by John Winnington that he would agree to whatever they should resolve on.

This day a draught of y^{e} Petition following was read to their Lop̃p̃s, which is to be presented to his Ma^{ty} & was approved of.

To the Kings most Excellent Ma^{ty}. The humble petition of S^{r} Ferdinando Gorges in y^{e} name of himselfe & divers Lords & others, ancient patentees and adventurers in the plantation of New England.

Humbly prayeth that in as much as they are presently to joyn in a voluntary surrender of y^{e} Grand Patent of their Corporation to y^{r} Ma^{ty}, that y^{r} Ma^{ty} would be pleased to give orders to M^{r} Attorney Genl̄l̄ to draw such patents for confirmation of such parcels of Lands as by mutuall consent in their Court have been allotted unto them, and to have the said Patents prepared for y^{r} Ma^{tys} Royall signature, with such priviledges & immunityes as heretofore they have or might have enjoyed with their Land, by vertue of the said Grand Patent. The said Land to be holden immediatly of y^{r} Ma^{ty} & submitting themselves to y^{r} Ma^{tys} Govern^{r} or Lieuten^{t} of New England for the time being. Also with reservation of the right of every one lawfully planted in any of the said Lands, according to any act provided in that Case by y^{e} said patentees and adventurers in their Court, by means wherof every of them knowing their own interests and authority may be the better able to plant their Lands & govern their Tenants and servants in the same, to the Honour of y^{r} Ma^{ty} & the rendring of such obedience to y^{r} highnesse laws as shall be approved off & to their own particular profits.

XLV.

ACT OF SURRENDER OF THE GREAT PATENT, BY THE GREAT COUNCIL FOR NEW ENGLAND.

June 7/17, 1635.

Sources.

For the act of surrender to His Majesty of the great patent of New England, June 7/17, 1635, the best text, as in the case of other records of the Great Council, is by Charles Deane, editor, in American Antiquarian Society, "Proceedings" (1867), 127, 128. An early transcript is in the library of the Massachusetts Historical Society, "Letters and Papers," 1632-78, 2. The act of surrender was first printed in America from a manuscript copy by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 393.

The text here used is that of the manuscript in the Massachusetts Historical Society.

Text.

To All christian People to w^{m} this Present writing shall come the President & Councill established at Plymouth in y^{e} County of Devon for the Planting Ruling & Governing of New England in America send Greeting in o^{r} Lord god Everlasting. Whereas o^{r} late soveraign Lord King James of ever blessed memory by his Highnesse Letters Patents, under the great Seal of England bearing Date at Westminster 3^{d} of Nov : in y^{e} 18th year of his Ma^{ties} Reign of England France & Ireland, & of Scotland y^{e} 54th upon y^{e} motions Reasons & Causes in y^{e} sayd letters Patents mencōned & contayned, did for him his Heyres & Successors grant ordain establish & confirme his then Right Trusty & right welbeloved Cosens & Councillors Lodowick then Duke of Lenox

&c: & diverse others of his nobility & Gentry of this Realme of England therein named to be the first & present Councill established at Plymouth At Plymouth [*sic*] aforesayd, for the Planting Ruling Ordering & Governing of New England in America aforesayd, & them the sayd Duke of Lenox &c: therein named & the survivors of them & their Successors to be Elected as in the sayd Letters Patents is Expressed Did by the sayd Letters Patents incorporate Erect ordain name constitute & establish to be one Body Politick & Corporate in Deed & name, by the name of y^e^ Council Established at Plymouth aforesayd in the sayd County of Devon, for the Planting Ruling & Governing of New England in America aforesayd, to have perpetual Succession, w^th^ diverse other Powers Priviledges, Im̃unities, Provisions & Restrictions for the propagation & establishing of true Religion in those parts, & for the better Regulating of the same Plantation, As in & by y^e^ same Letters Patents, due reference thereunto had more plainly & at large appeareth

Now Know Ye that the sayd Presid^t^ & Councill, for diverse good Causes & Considerations, them therunto moving have given granted assigned, yeelded up & surrendred, And by these presents doe give grant Assigne yeeld up & Surrender, unto o^r^ most gracious Soveraign Lord Charles by the grace of god K: of England Scotland France & Ireland Defender of the faith &c: The sayd Letters Patents to the Duke of Lenox, Marquis of Buckingam &c: therein named for the Planting Ruling Ordering & Governing of New England in America aforesayd, & all & every the liberties Licences, Powers, Priviledges & Authorities therein & thereby given granted or mentioned to be given & granted, & all their & every of their right estate title, interest clayme & demand whatsoever, of in & to the same Letters Patents Licences Powers, Priviledges & Authorities, & of in & to every or any part or parcel of them or any of them

In witnesse whereof the sayd Presidt & Council have caused their Com̄on Seal to be put to these Presents, the seaventh day of June in y^{e} 11th year of the reign of o^{r} sovereign Lord King Charles & in the year of o^{r} Lord God: 1635/:

XLVI.

EXTRACTS FROM THE CHARTER OF NEW HAMPSHIRE, BY CHARLES I. OF ENGLAND.

August 19/29, 1635.

Sources.

The only certified copy which is known to exist of the royal charter of New Hampshire to Captain John Mason, August 19/29, 1635, is in a manuscript folio of 84 pages containing documents in proof of Mason's claims in New England. The collection, which is now in the possession of the Maine Historical Society, was formerly owned by Mr. Moses A. Safford, of Kittery, Maine. In 1887, when Mr. William M. Sargent was superintending the publication of the "York Deeds," these documents were brought to his notice; and the royal charter, whose existence had long been denied, was thus discovered. Although the New Hampshire historians had claimed that such a charter had been granted, the evidence had been too slight to establish a basis of direct proof.

The charter, which was a royal confirmation of the grant by the Great Council, $^{\text{April 22}}_{\text{May 2}}$, 1635, was printed by Mr. Sargent, "York Deeds," II., Introduction, 20-39, from which text the following extract is reprinted. By permission of Mr. Sargent, it was also printed by John Ward Dean, editor, "Capt. John Mason, the Founder of New Hampshire" (Prince Society, 1887), 360-378.

Text.

Charles by the Grace of God King of England Scotland ffrance & Ireland Defender of the ffaith &c To all to whome these presents shall come Greeting Whereas our trusty and welbeloved Servant Captain Iohn Mason Esq^{r} Treasurer and Paymaster of Our Armies hath been an humble Suitor unto Us to grant and confirme unto him and his heyres a part and portion of the Country of America now commonly called or known by the name of New England in America hereafter in these presents described and to be described by the Meetes and bounds thereof with diverse and Sundry privileges and Iurisdictions for the welfare of the State of those Colonies that are and shalbe drawne thither and for the better Government of the people that shall live and inhabit within the Limits and precincts thereof Which part or portion Wee have heretofore amongst other things for Us our Heyres and Successors taken into Our actual and real possession and in default of Such actuall & reall possession formerly taken doe by these presents for Us our Heyres and Successors take the same into Our actuall and reall possession *Knowe* yee that of Our Speciall grace certain knowledge and mere motion Wee have given granted and confirmed and by this Our present Charter for Us our Heyres and Successors Wee doe give grant and confirme unto the said Captain Iohn Mason his Heyres and Assignes All that part purport and portion of the Main land of New England aforesaid begining from the midle part of Naumkeck River and from thence to proceed Eastward along the Seacost to Cape Anne and round about the same to Pascataway harbour and Soe forwards up within the River of Newichewanock and to the furthest head of the said river and from thence Northwestwards till Sixty miles be finished from the ffirst Entrance of Pascataway harbour And also from Naumkeck through the River thereof up into the Land West Sixty miles from which period to cross over land to the Sixty miles End accounted from pascataway through Newichewanock river to the Land Northwestwards aforesaid And also all that the South half of the Isles of Shoulds Together with all Islands and Islets as well imbayed as adjoining lying or abutting upon or neare the premises or any part or parcell thereof within five Leagues distance not otherwise lawfully granted to any by Speciall name All which part purport and portion of Lands Islands and premises now are and from henceforth shalbe called by the name of Newhampshire And also of Our especial grace certaine knowledge and mere motion Wee have given granted and confirmed and by this Our present Charter for Us our Heyres and Successors Wee doe give grant and confirme unto the said Captain Iohn Mason his heyres and assignes All that other parcell or portion of Lands woods and Woodgrounds lying on the Southeast part of the River of Sagadahock in New England aforesaid at the mouth or entrance thereof containing there Tenn Thousand Acres whichsaid other parcell of land now is and from henceforth shalbe called by the name of Masonia And also the Reversion and Reversions remainder and remainders of all and Singular the said lands Islands and premises dependant or expectant upon any estate or estates whatsoever upon record or not upon record be it for lease life or lives yeare or years ffee taile or fee tailes or otherwise Together also with all the firme lands Soyles and grounds aswell under water as above water and dry all the Shoares Creeks havons harbours bayes ports . . . together also with all such and as ample Jurisdictions prerogatives Royall rights royalties privileges ffranchises preheminences liberties powers Exemptions and immunities temporalities and hereditaments aswell by Sea as land and aswell within the said tracts of land upon the main aswell within the said Islands or any of them and the coasts of or on the same or any part or parcell thereof as now are or at any time heretofore have been had used or enjoyed or of right ought to be or to have been had used or enjoyed by the now or any former Bishop of Duresme within the Bishoprick of Duresme or the County Palatine of Duresme within Our Realme of England or that Wee or any of Our Progenitors have heretofore granted or mentioned to be granted unto the now or late Company of Virginia . . . .

XLVII.

INDENTURE OF LAND ON THE NEWICHEWANNOCK, BY SIR FERDINANDO GORGES.

September 17/27, 1635.

Sources.

The indenture between Sir Ferdinando Gorges and Captain John Mason for lands on the Newichewannock (Salmon Falls) River, September 17/27, 1635, is, according to William M. Sargent, editor of "York Deeds," another of the documents "bearing upon the unwritten history of Maine." The indenture is in the collection of "muniments" of the Mason titles, formerly in the possession of Mr. Moses A. Safford, of Kittery, Maine. Together with the royal charter to Captain Mason, it was printed in the introduction to "York Deeds," II., 39-42. Mr. Sargent calls attention to folios 174, 175, where reference is made to this indenture, which was never recorded because at the time of the transaction there was no place of record and Captain Mason died before Gorges established his court and registry. Although an indorsement says "it was made use of in the suit Allen vs. Spencer, tried at Wells, 1704," the conveyance was generally overlooked until Mr. Sargent brought it to light in 1887. By permission it was printed by John Ward Dean, editor, "Capt. John Mason, The Founder of New Hampshire" (Prince Society, 1887), 387-390.

The text adopted is that of Mr. Sargent in the "York Deeds."

Text.

This Indenture made the Seaventeenth day of September Anno Dom̃ 1635 and in the Eleaventh yeare of the Reigne of Our Sovereigne Lord Charles by the grace of God King of England Scotland ffrance and Ireland Defender of the ffaith &c Between Sir fferdinando Gorges of London knight on the One part and Captain Iohn Mason of London Esquire on the other part Wittnesseth That whereas our late Sovereign Lord King Iames of Blessed memory by his highness Letters patents under the Great Seal of England bearing date at Westminster the Third day of November in the Eighteenth Yeare of his highness reigne over the Realme of England ffor the considerations in the same Letters patents expressed hath absolutely given granted and confirmed unto the Councill established at Plimouth in the County of Devon̄ ffor the planting ruling ordering and governing of New England in America and to their Successors and assignes for ever All the Land of New England aforesaid lying and being in breadth from ffourty Degrees to ffourty Eight Degrees Northerly Latitude inclusively Together with all ffirm lands Soyles grounds havons ports rivers waters ffishings hunting hawking ffowling and all mines and minerals aswell Royall mines of Gold and Silver as other mines & minerals and all and Singular other commodities Jurisdictions Royalties priviledges and preheminences as by the said Letters patents amongst diverse other things therein contained more at large it doth and may appeare And Whereas the said Councill established at plimouth in the County of Devon ffor the planting ruling ordering and governing of New England in America of the One part and the said Sir fferdinando Gorges of London knight on the other part ffor the considerations in the Same Indenture contained have given granted aliened barganed sold Enfeoffed and confirmed unto the said Sir fferdinando Gorges his heyres and assignes for ever All that part purpart or portion of the main land of New England aforesaid begining at the Entrance of pascataway harbour and soe to pass up the same into the river of Newichewanock and through the same unto the ffurthest head thereof and from thence Northwestwards till Sixty miles be finished And from pascataway harbour aforesaid Northeastwards along the Sea coast to Sagadahock and up the river thereof to the river of Kenebeck and through the Same unto the head thereof and soe up into the land Northwestwards untill Sixty miles be finished ffrom the mouth or Entrance of Sagadahock ffrom which period to cross over land to the Sixty miles End formerly accompted up into the Land ffrom pascataway harbour through Newichewanock River (which amongst other Lands are granted unto the said Sir fferdinando Gorges) Together with all mines and minerals aswell royall mines of Gold and Silver as other mines and minerals precious Stones Woods marishes rivers waters ffishings hawking hunting and ffowling and all other Royalties Jurisdictions privileges prehemineces profits and commodities whatsoever with all and Singular their appurtenances with all other privileges liberties and immunities which shall or may arise within the said Limits and precincts aforesaid as by the Said Indenture more at large it doth appeare Now therefore this Indenture ffurther Wittnesseth That the Said Sir fferdinando Gorges for diverse good causes and considerations him hereunto especially moving hath granted aliened bargained Sold enfeoffed and confirmed and by these presents doth grant alien bargain Sell enfeoffe and confirme unto the Said Captain Iohn Mason his heyres and assignes All that part or portion of land begining at the Entrance of Newichewanock river and Soe upwards alongst the Said river and to the ffurthest head thereof and to containe in breadth through all the length aforesaid Three miles within the land from every part of the said River and half way over the said river Together with all and Singular harbours creekes marishes woods rivers waters lakes mines and minerals aswell royal mines of Gold

& Silver as other mines and minerals precious Stones ffishings hawking and ffowling and all other royalties Jurisdictions privileges preheminences profits commodities and hereditaments whatsoever with all and Singular their and every of their appurtenances with all other privileges liberties immunities escheats and casualties thereof which shall or may arise within the Limits and precincts aforesaid To be holden of his Majesty his heyres and Successors as of his highness Mannor of East Greenwich in the County of Kent in ffree and Common Soccage and not in Capite or by knights Service yeelding and paying to his Majesty his heyres and Successors the ffifth part of the Oare of Gold and Silver that from time to time and at all times hereafter shalbe there gotten had and obtained ffor all services duties and demands as in and by the said recited Letters patents are reserved To have and to hold all the said part or portion of Land and all other the said bargained premises with their and every of their appurtenances unto the said Captain Iohn Mason his heyres and Assignes To the onely and proper use and behoof of him the said Captain Iohn Mason his heyres and assignes for ever And to be injoyed as fully ffreely and in as large ample and beneficiall manner and forme to all intents and purposes whatsoever as he the said Sir fferdinando Gorges by virtue of the said recited Indenture might or ought to have hold and enjoy the same or any part thereof In Wittness whereof the said parties to these present Indentures interchangeably have Sett their hands and Seals the Day and Yeare ffirst above written

Sealed and Delivered fferd. Gorges.
in the presence of
Mathew Bradley
Roger Beal
Iohn Moor/Ser.

This is a true Copie
Edw Cranfield/

B : Sargeant.
Rich : Povey.

XLVIII.

CONCESSION OF ACADIA TO SIR CHARLES LA TOUR, BY THE COMPANY OF NEW FRANCE.

JANUARY 15/25, 1635/6.

Sources.

The concession of Acadia to Sir Charles La Tour, son of Claude La Tour, by the Company of New France, January 15/25, 1635/6, was doubtless a confirmation of a privilege conferred by De Razilly, under whom La Tour held command in the west of Acadia. Although La Tour professed himself a good Protestant while Acadia was under English supremacy, the new privileges accorded to him in 1635/6 show that he was then in sympathy with the Roman Catholic religion.

The original concession is in the Dépôt de la Marine, Paris, with the records of the Company of New France. The text adopted here is a certified copy of the original, in "Memorials of the English and French Commissaries Concerning the Limits of Nova Scotia or Acadia" (London, 1755), I., 709, 710.

Text.

La Compagnie de la Nouvelle France : A tous ceux qui ces présentes lettres verront, Salut. Le desir que nous avons d' accroître la colonie de la Nouvelle France, nous faisant recevoir ceux qui nous peuvent aider en ce loüable dessein ; & voulant les inciter d' avantage, en les gratifiant de quelques portions de terres à nous concédées par le Roi, après avoir été certifiés des bonnes intentions de Charles de Saint-Etienne sieur de la Tour, Lieutenant Général pour le Roi ès côtes de l' Acadie en la Nouvelle France, nommé par Monseigneur le Cardinal Duc de Richelieu, Pair de France, Grand-Maître, Chef & Surintendant général de la navigation & commerce de ce Royaume, sur la présentation de

ladite Compagnie, & avoir reconnu le zèle dudit sieur de la Tour à la Religion Catholique, Apostolique & Romaine, & au service de Sa Majesté, avons donné & octroyé, donnons & octroyons par ces présentes, en vertu du pouvoir à nous donné par Sa Majesté, le fort & habitation de la Tour, situé en la rivière Saint-Jean en la Nouvelle France, entre les 45 & 46, degrés de latitude, ensemble des terres prochainement adjacentes à icelui dans l'étendüe de cinq lieües au dessous le long de ladite rivière, sur dix lieües de profondeur dans les terres : le tout selon les bornes qui en seront assignées, pour en jouír par ledit sieur de la Tour, ses successeurs ou ayans cause, en toute propriété, justice & seigneurie, & tout ainsi qu' il a plû au Roi donner & concéder ledit pays de la Nouvelle France en notredite Compagnie ; tenir le tout en fief mouvant & relevant de Québec, ou autre lieu qui sera ci-après désigné par ladite Compagnie, à la charge de la foi & hommage que ledit sieur de la Tour, ses successeurs ou ayans cause seront tenus de porter audit fort de Québec ou ailleurs, & de payer les droits & profits de fiefs, ainsi qu'il se pratique aux mutations de personnes ; & que ledit sieur de la Tour, ses successeurs ou ayans cause ne pourront faire cession ou transport de tout ou de partie des choses ci-dessus à lui concédées pendant dix ans, à compter du jour & date des présentes, sans le gré & le consentement de ladite Compagnie ; & après dix ans il lui sera loisible, à ses successeurs ou ayans cause, d'en disposer avec les mêmes charges ci-dessus, au profit des personnes capable, & faisant profession de la Religion Catholique, Apostolique & Romaine. Fait & accordé le quinzième janvier mil six cent trente-cinq.

Extrait des délibérations de la Compagnie de la Nouvelle France. *Signé* A. Cheffault avec paraphe.

XLIX.

LEASE OF LAND AT CASCO BAY TO GEORGE CLEEVE, BY SIR FERDINANDO GORGES.

JANUARY 27/FEBRUARY 6, 1636/7.

Sources.

The lease of land at Casco Bay, together with that of Hogg Island, was made January 27/February 6, 1636/7, by Sir Ferdinando Gorges to George Cleeve and Richard Tucker for two thousand years. The document not only affords an interesting study of Gorges and his relation to the province of New Somersetshire, but it is also an important chapter in the record of a man who played a prominent part in provincial history.

The lease was first recorded at York, May 24/June 3, 1643, by Roger Garde, the first recorder of Gorges' province, and is found in "York Deeds," I., Part II., folios 4, 5, with a renewal from Sir Alexander Rigby of Lygonia, May 23/June 2, 1643; it was again recorded, June 26/July 5, 1660, by Edward Rishworth (*Ibid.*, Part I., folios 95, 96). A grant from Edward Rigby, Esq., of one thousand acres adjoining the former grant, February 20/30, 1652/3, was recorded September 3, 1658 (*Ibid.*, folios 74, 75). The lease was first printed by William Willis, "History of Portland," Maine Historical Society," Collections," 1st Series, I., Appendix 233-235; and by James Phinney Baxter, "George Cleeve of Casco Bay, 1630-67" (Gorges Society, 1885), Appendix II., 216-222. In the latter book the conveyances from Sir Alexander Rigby are also included; the work itself is a careful narrative of the life and times of the founder of Portland.

The text adopted for this reprint is the transcript made by Roger Garde, in "York Deeds."

Text.

This Indenture made the twenty seaventh Day of January in the twelueth yeare of the Raigne of our Soueraigne

Lord Charles by the grace of God King of England Scotland ffrance and Ireland Defender of the faith &c, Betweene S^{r} fferdinando Gorges of Ashton Phillippes in the County of Somersett knight of the one ꝑtie, And George Cleeue of Cascoe in the ꝓvince of New Sommersett in New England in America Esquire, and Richard Tucker of Casco aforesaid of the said ꝓvince of New Somersett in New England in America gent̃ of the other ꝑtie, Wittnesseth that the said Sir fferdinando Gorges for and in consideration of the sume of one hundred pounds of good and lawfull money of England to him in hand payd before thensealing and Deliuery of theis p̃nts, as also for Divers other good causes and considerac̃ons him the said S^{r} fferdinando Gorges herevnto especially moueing, Hath given granted bargained sold and confirmed vnto the said George Cleeue and Richard Tucker their heires and assignes All that parte purparte and porc̃on of lands in America ꝑcell of New England in America hereafter in theis p̃nts Described and to be Described by the limitts and bounds thereof, that is to say, all that parte purparte and porc̃on of lands begining at the furthermost poynt of a necke of land called by the Indians Machegonne. and now and for euer from henceforth to be called or knowne by the name of Stogummor, and so along the same westerly as it trendeth to the first ffall of a little River issueing out of a verie small Pond And from thence ouer land to the ffalls of Pesumpsca, being the first ffalls in y^{t} River, vpon a straight line containeing by estimac̃on from ffall to ffall as aforesaid neare aboute an English mile (w^{ch} together wth the said necke of land that the said George Cleeue and the said Richard Tucker haue planted for Diuers yeares already expired) is estimated in the whole to be fifteene hundred acres or thereabouts/ As also one Island adiacent to the said p^{r}misses and now in the tenure or occupac̃on of the said George Cleeue and Richard Tucker commonly called or knowne by the name of Hogg Island, w^{ch} said p^{r}misses wth their appurt̃nances are not already possessed or passed to any other ꝑson or ꝑsons whatsoever, but now granted by me and this my speciall order for confirmac̃on thereof vnder my hand and seale/ All w^{ch} p^{r}misses now are and hereafter shalbe deemed reputed and taken to be parts parcells and members of the ꝓvince of New Somersett shire in New England aforesaid And also the said S^{r} fferdinando Gorges for the considerac̃ons aforesaid Hath giuen granted bargained sold and confirmed And by these p̃nts Doth giue grant bargaine sell and confirme vnto the said George Cleeue and the said Richard Tucker their heires and assignes Together wth the said porc̃on of lands and p^{r}misses all the soyles grounds woods and vnderwoods, Havens Ports, Rivers, waters, lakes, ffishings ffowleings, Mines and Mineralls As well Royall Mines of Gold and siluer as other Mines and Mineralls, precious stones, Quarries, and all and singular other commodities Jurisdicc̃ons Royalties, Priuiledges, ffranchises and Preheminences whatsoeuer within the said tract of landes and p^{r}misses, or within any ꝑte or ꝑcell thereof, Saveing excepting and reserueing only out of this present grante the fift ꝑte of all the oare of gold and siluer found and to be found in or vpon the p^{r}misses or any ꝑte or ꝑcell thereof Due vnto his Ma^{tie} his heires and successors, and now or at any other time hereafter reserued, or to be reserued. To haue and to hould all and singular the said parte purparte and porc̃on of lands, and all other the p^{r}misses herein menc̃oned to be bargained sold or granted wth their and every of their appurt̃nances vnto the said George Cleeue and Richard Tucker their heires and assignes To the only and proꝑ vse and behoofe of them the said George Cleeue and Richard Tucker their heires and assignes, to the end and full terme of two thousand yeares fully to be compleate and ended, To be holden of the said S^{r} fferdinando

Gorges and his heirs Lord or Lords of the said ꝑvince of New Somersett shire as of his or their Mannor of Willitton and ffree Mannors in free and com̄on Soccage by ffealty only for all manner of services And the yearely rent of two shillings the hundred for every hundred acres thereof be it in wood meadowing pasture or tillage, the same to be levyed by Distres or otherwise according to the lawes and customes of the Realme of England vsed and approued within the same for tenants of like nature/ And the said Sʳ fferdinando Gorges for himselfe his heires and assignes Doth couenant ꝑmise and grante to and wᵗʰ the said George Cleeue and Richard Tucker their heires and assignes by theis p̃nts, That he the said Sʳ fferdinando Gorges his heires and assignes shall and will from time to time, and at all times hereafter Doe make acknowledge execute and suffer, or cause to be Done made acknowledged executed and suffered all and every such further and other reasonable acte and actes, thing and thing[s] Devise and Devises in the law for the farther and better assureance and sure makeing of all and singular the said lands and other the said pʳmisses wᵗʰ their and every of their appurt̄nances vnto the sai[d] George Cleeue and the said Richard Tucker their heires and assigne[s] As by his and their Councell learned in the lawes shalbe reasonably Devised advised or required/ And lastly the said Sʳ fferdinando Gorges hath constituted ordained and appointed, And by theis p̃nts Doth constitute ordaine and appoint his trustie and welbeloued Isaack Allerton and Arthur Mackworth gent̄ his true and lawfull atturney and atturneys, Joyntly or seuerally for him and in his name to enter into the said lands and other the said bargained pʳmisses, or into any ꝑte or ꝑcell thereof in the name of the whole, and thereof to take full and peaceable possession and seisin, And after such possession and seisin so had and taken Then for him and in his name to Deliuer full and peaceable possession and seisin of the same lands and prmisses vnto the said George Cleeue and Richard Tucker their heires and assignes according to the tenor effecte and true meaneing of theis p̃nts In wittnes whereof the said pties to theis present Indentures Interchangeably haue sett their hands and seales/ Dated the Day and yeare first herein aboue written Annoque Dom̃ni 1636

Sealed signed and Deliuered
in the presence of fferd : Gorges
William Withington
John Winington

Memorand̄ that I Arthur Mackworth gent̄ haue taken and Deliuered possession and seisin vnto George Cleeue Esquire and Richard Tucker gent̄ according to the order within prescribed/ In wittnes whereof I haue herevnto sett my hand this eight Day of June 1637

In the prsence of
Thomas Lewis Arthur Mackworth
John Hickford
George ffrost

This is a true coppie of the originall Deed examined and Recorded the 24th Day of May by me

Roger Garde Recorder :

L.

COMMISSION TO SIR FERDINANDO GORGES AS GOVERNOR OF NEW ENGLAND, BY CHARLES I. OF ENGLAND.

$\genfrac{}{}{0pt}{}{\text{July 23}}{\text{August 2}}$, 1637.

Sources.

The royal commission to Sir Ferdinando Gorges as governor of New England, $\genfrac{}{}{0pt}{}{\text{July 23}}{\text{August 2}}$, 1637, is in the Public Record Office, London, "Colonial Entry Book," III., 60. It was first printed by Samuel G. Drake, "Founders of New England," in the "New England Historical and Genealogical Register"(1860), XIV., 345, 346; afterwards by John A. Poor, "A Vindication of the Claims of Sir Ferdinando Gorges" (Popham Memorial Volume, New York, 1862), Appendix F, 127. An abstract is in W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, I., 256.

The text adopted is that of Samuel G. Drake, who first transcribed the commission from the "Colonial Entry Book."

Text.

Manyfesting Our Royall pleasure for the establishing a generall Govern'mt in Our Territorye of New England for prevention of those evills that otherwise might Ensue for default thereof—

Forasmuch as Wee haue vnderstood and been credibly informed of the many inconueniences and mischiefs that haue growne and are like more and more to arise amongst Our Subjects allready planted in the parts of New England by reason of the severall opinions differing humors and many other differences springing up betweene them and daily like to encrease, and for that it rested not in the power of the Councill of New England (By our Gracious ffathers royall

Charter established for those affaires) to redress the same, Without wee take the whole manageing thereof into Our owne hands, and apply therevnto Our immediate power and authority, Which being perceived by the principall undertakers of those businesses, They haue humbly resigned the said Charter unto us, that thereby there may bee a speedy order taken for reformation of the aforesaid Errors and mischeifs. And knowing it to bee a Duty proper to our Royall Justice not to suffer such Numbers of Our people to runne to ruine and so religious and good intents to languish for want of timely remedie and Soueraigne assistance Wee haue therefore graciously accepted of the said Resignation and doe approue of their good affections to a seruice soe acceptable to God and vs, And wee haue seriously aduised with Our Councill both of the way of Reformation and of a person meet and able for that imployment by whose grauity, moderation and experience Wee haue hopes to repair what is amiss and settlem^t of those affaires to the good of Our people and honour of Our Gouernm^t. And for that purpose Wee have resolued with Our selfe to imploye Our Servant fferdinando Gorges knight, as well for that Our Gracious ffather of blessed memory as Wee haue had for a long time good experience of his fidelity, circumspection and knowledge of his Gouernem^t in martiall and civill affaires, besides his understanding of the State of those Countreys wherein he hath been an immediate mover and a principall Actor, to the great prejudice of his estate, long troubles and the loss of many of his good ffreinds and servants in making the first discovery of those Coasts, and taking the first seizure thereof as of right belongs to vs Our Crown and dignity, and is still resolued according to Our Gracious pleasure to prosecute the same in his owne person, Which resolution and most com̄endable affection of his to serve vs therin, as We highly approve, Soe Wee hold it a property of Our princely care to second him with Our Royall and ample authority Such as shalbee meet for an employment soe eminent and the performance of Our Service therin, wherof Wee haue thought itt fitt to make publick Declaration of Our said pleasure, That therby it may appear to our good Subjects the resolution Wee haue graciously to prouide for the peace and future good of those whose affection leads them to any such vndertaking, and withall to Signifye that Our further will and pleasure is, That none bee permitted to goe into any those parts to plant or inhabitt. But that they first acquaint Our said Gouerno^{r} therwith, or such other as shalbee deputed for that purpose during his aboad heer in England, And who are to receiue from him or them allowance to pass with his or their further directions where to sitt downe most for their perticuler commodityes and publick good of our Service (Sauing and reseruing to all those that haue Joyned in the Surrender of the Great Charter of New England and haue Grants immediately to bee holden of us for their Severall plantations in the said Countrye, ffree liberty at all times hereafter to go themselues and also to send such Numbers of people to their plantacōns as by themselues shall bee thought conuenient Heerby strictly charging and commanding all our Officers and others to whom it shall or may appertaine, to take notice of this our pleasure and to be careful the same bee firmely obserued as they or any of them shall answer the same at their vttermost perill. Giuen at the Court of Whitehall the 23. day of July 1637. and in the Thirteenth yeare of Our Raigne.

LI.

THE CHARTER OF THE PROVINCE OF MAINE, BY CHARLES I. OF ENGLAND.

April 3/13, 1639.

Sources.

The Royal Charter of the province of Maine, to Sir Ferdinando Gorges, April 3/13, 1639, was designed to confirm allotment No. 7, according to the division of the Great Patent, February 3/13, 1634/5. The privileges under the new charter were as ample as those of the Bishop of Durham, a comparison which was a common formula in issuing proprietary grants. Maryland held the same rights of "County Palatine." The name "Province of Maine" is repeated from the grant of 1622. By reference to the early charters it is easy to arrive at a correct idea of the origin of the name, which has survived all the changes of colonial rule, and is perpetuated in the phrase "State of Maine."

The original charter, or a duplicate, is in the Public Record Office, London; an early transcript, in the "Massachusetts Archives," III., 152-178, is certified to be a true copy of the records; a transcript was also lodged in the "Records of the Inferior Court of York County, Massachusetts," I., 16-24. It has been printed by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 442-455, also by James Sullivan, "History of the District of Maine" (Boston, 1795), Appendix I., 397-408. Another text is in a "Statement on the Part of the United States of the Case Referred in Pursuance of the Convention of 1827, Between the Said States and Great Britain to His Majesty, King of the Netherlands for His Decision Thereon," printed but not published (Washington, 1829), Appendix II., 82-93; and another is printed by James Phinney Baxter, editor, "Sir Ferdinando Gorges and His Province of Maine" (Prince Society, 1890), II., 123-148.

The text adopted is the manuscript copy of the original in the "Massachusetts Archives."

Text.

Charles by the Grace of God, King of England Scotland, France & Jreland, Defender of the Faith &c To all to whom these Presents shall come Greeting; Whereas Sir Ferdinando Gorges Knight hath been an humble Suiter unto us to grant & confirm unto him & his Heirs a part & Portion of the Country of America now commonly called or known by the the Name of New England in America, hereafter in these Presents described by the Metes & Bounds thereof, with diverse & sundry Priviledges & Jurisdictions for the Welfare & Good of the State of those Colonies that shall be drawn thither, & for the better Governm^{t} of the People that shall live & inhabit within the Limits & Precincts thereof, which part or Portion of the said Country, we have heretofore amongst other things for us Our Heirs & Successors taken into Our actual and real Possession, or in default of such actual & real Possession formerly taken, We do by these Presents for us Our Heirs & Successors take the same into Our actual & real Possession. KNOW YE therefore that of Our special Grace, certain Knowledge & mere Motion, We have given, granted & confirmed; And by these Presents for Us, Our Heirs & Successors do give, grant & confirm unto the said Sir Ferdinando Gorges his Heirs & Assigns, all that Part, Purpart, & Portion of the Main Land of New England aforesaid beginning at the Entrance of Piscataqua Harbour, & so to pass up the same into the River of Newichewannock, & through the same unto the furthest Head thereof, & from thence Northwestward untill One hundred & twenty Miles be finished, and from Piscataqua Harbour Mouth aforesaid North-Eastward along the Sea Coast to Sagadahoc, & up the River thereof to Kynybequy River, & thro' the same unto the head thereof, & unto the Land Northwestward untill One hundred & twenty Miles be ended, being accounted from the Mouth of Sagadahoc, &

from the Period of One hundred & twenty Miles afores^{d} to cross over Land to the One hundred & twenty Miles End formerly reckoned up, into the Land from Piscataqua Harbour thro' Newichawannock River; And also the North half of the Isles of Shoales, together with the Isles of Capawock & Nautican near Cape Cod, as also all the Island & Isletts lying within five Leagues of the Main all along the aforesaid Coasts between the afores^{d} Rivers of Piscataqua & Sagadahoc, with all the Creeks, Havens & Harbours thereunto belonging, & the Reversion & Reversions, Remainder & Remainders of all & singular the s^{d} Lands Rivers & Premises, all which s^{d} Part Purpart or Portion of the said Main Land, & all & every the Premises herein before named We do for us Our Heirs & Successors create & incorporate into one Province or County, And We do name, ordain & appoint that the Portion of the Main Land & Premises aforesaid shall forever hereafter be called & named the Province or County of Maine, & not by any other Name or Names whatsoever, with all & singular the Soil and Grounds thereof as well dry as covered with Water, & all Waters, Ports, Havens & Creeks of the Sea & Jnlets of the said Province of Maine & Premises, or to them or any of them belonging or adjacent, As also all Woods, Trees, Lakes & Rivers within the said Province of Maine & Premises, & the Limits of the same, together with the fishing, of whatsoever kind, as well Pearls as Fish as Whales Sturgeons, or any other either in the Sea or Rivers, And also all Royalties of Hawking, hunting, Fowling Warren & Chaces within the said Province of Maine & Premises aforesaid, Deer of all Sorts, & all other Beasts & Fowles of Warren & Chase, & all other Beasts there, And also all Mines & Oar of Gold Silver, Precious Stones, Tin, Lead, Copper, Sulphur, Brimstone, or any other Metal or Mineral matter whatsoever within the said Province or Premises or any of them opened or hidden, & all Quarries there, & all Gold Silver, Pearls, Precious Stones & Ambergrease which shall be found within the s^{d} Province & Premises or any of them & the Limits & Coasts of the same or any of them, or any part of them or any of them, & all & singular other Profitts, Benefits & Commodities growing, coming accruing or happening, or to be had perceived or taken within the said Province & Premises Limitts & Coasts of the same or any of them, And also all Patronages & Advowsons, free dispositions & Donations of all & every such Churches & Chapels as shall be made & created within the said Province or Premises or any of them, with full Power, licence & Authority to build & erect or cause to be built & erected so many Churches & Chapels there, as to the said Sir Ferdinando Gorges his Heirs & Assigns shall seem meet & convenient, & to dedicate and consecrate the same, or cause the same to be dedicated & consecrated according to the Ecclesiastical Laws of this our Realm of England, together also with all & singular & as large & ample Right, Jurisdictions Priviledges, Prerogatives, Royalties, Liberties, Immunities, Franchises, Preheminences & Hereditaments as well by Sea as by Land within the s^{d} Province & Premises, & the Precinct & Coasts of the same or any of them, & within the Seas belonging or adjacent to them or any of them, as the Bishop of Durham, within the Bishoprick or County Palatine of Durham in our Kingdom of England now hath, useth occupieth, or of Right he ought to have, use, enjoy within the said County Palatine, as if the same were herein particularly mentioned & expressed, to have & to hold, possess & enjoy the said Province & Premises & every of them & all & singular other the Premises before by these Presents granted or mentioned or intended to be granted, with their & every of their rights, members & Appurtenances unto the said Sir Ferdinando Gorges his Heirs & Assigns to the sole & only use of the said Sir Ferdinando Gorges his Heirs & Assigns for ever, To be holden of Us Our Heirs & Successors as of the Mannor of East Greenwich in the County of Kent by fealty only in free and common Soccage, & not in Capite nor in Knights Service for all manner of Services whatsoever, yeilding & paying therefor yearly to Us Our Heirs & Successors One Quarter of Wheat, & also yeilding & paying unto Us Our Heirs & Successors the fifth Part of the clear yearly Proffit of all Royal Mines of Gold & Silver that from time to time & at all times hereafter shall be there gotten & obtained (if any such shall be there found) & the fifth Part of all Gold & Silver found upon the Sea, Ashoar or in Rivers or elsewhere within the bounds & Limits of the said Province & Premises, & the fifth part of the clear yearly Proffit of Pearl Fishing; And We do for us Our Heirs & Successors further grant unto the said Sir Ferdinando Gorges his Heirs and Assigns for ever all Treasure, Trove, Goods & Chattels of Felons & of Felons of themselves, Waifes, Estraies Pirates Goods, Deodands, Fines & Amerciaments of all the Jnhabitants & others happening growing or arising in the said Province & other the Premises or any part thereof, or in any Voyage or Passage to or from the same, as well for Offences com̃itted against Ourself Our Heirs & Successors, or things concerning Our self Our Heirs or Successors, or our Proffit as against others, or things concerning others or the Proffits of others, & all & all Manner of Wreeks of Ships or Merchandize, and all that which to Wreek belongeth, by what means soever happening within or upon the Havens, Coa[s]ts, Creeks or Shoars of the Premises or any Part thereof, And We do for us Our Heirs & Successors, create, ordain & constitute the said Sir Ferdinando Gorges his Heirs & Assigns the true & absolute Lords and Proprietors of all & every the aforesaid Province of Mayne & Premises aforesaid, & all &

every the Limits & Coasts thereof, Saving always the Faith & Allegiance of the Supream Dominion due to Us Our Heirs & Successors; And for the better Government of such our Subjects & others as at any time shall happen to dwell or reside within the s^d^ Province & Premises or pass to or from the same, our Will & Pleasure is that the Religion now professed in the Church of England & Ecclesiastical Governm^t^ now used in the same shall be for ever hereafter Professed, & with as much convenient Speed as may[be], settled & established in & throughout the said Province & Premises & every of them, And We do for us our Heirs & Successors by these Presents give & grant unto the s^d^ Sir Ferdinando Gorges his Heirs & Assigns, Power & Authority with the Assent of the greater Part of the Freeholders of the said Province & Premises for the time being (when there shall be any) who are to be called thereunto from time to time, when & as often as it shall be requisite, to make, ordain & publish Laws, Ordinances & Constitutions reasonable & not repugnant or contrary but agreable as near as conveniently may be to the Laws of England, for the publick Good of the said Province & Premises & of the Jnhabitants thereof by imposing of Penalties Jmprisonments or other Correction, or if the Offence shall require by taking away of Life or Member, The said Laws & Constitutions to extend as well to such as shall be passing unto or returning from the said Province or Premises, as unto the Inhabitants or Residents of or within the same, & the same to be put in Execution by the said S^r^ Ferdinando Gorges his Heirs & Assigns or by his or their Deputies Lieutenants, Iudges Officers or Ministers in that behalf lawfully authorized, & the same Laws, Ordinances and Constitutions or any of them to alter, change revoke or make void, & to make new not repugnant nor contrary but agreable as near as may be to the Laws of England as the s^d^ S^r^ Ferdinando

Gorges his Heirs or Assigns — together with the Freeholders or the greater Part of them for the time being shall from time to time think fit & convenient; And we do further by these Presents for us our Heirs & Successors give & grant unto the said S^r^ Ferdinando Gorges his Heirs & Assigns full Power & Authority, & that it shall be lawfull to & for him the s^d^ S^r^ Ferdinando Gorges his Heirs & Assigns to erect Courts of Iustice, as well Ecclesiastical as Civil & Temporal whatsoever, & to appoint & constitute from time to time Iudges, Justices, Magistrates & Officers as well of the said Court & Courts of Iustice as otherwise, as well by Sea as by Land, for the hearing & determining of all manner of Causes whatsoever within or concerning the said Province & Premises or any of them, or the Jnhabitants and Residents there, & Passengers to or from the same as well by Land as by Sea, and to order & appoint what Matters or things shall be heard determined done or ordered in any of the said Courts, or by any of the said Iudges Magistrates & Officers with such Power & in such Form as it shall seem good to the said S^r^ Ferdinando Gorges his Heirs & Assigns, And the said Judges, Iustices, Magistrates & Officers & every or any of them from time to time to displace & remove when the said S^r^ Ferdinando Gorges his Heirs or Assigns shall think fit, & to place others in their Room & Stead, & that the Inhabitants & Residents within the s^d^ Province & Premises & Passengers to & from the same may within forty days after Sentence given in said Courts where Appeals in like Courts within this Kingdom are admitted appeal to the said S^r^ Ferdinando Gorges his Heirs and Assigns, or his or their Gen^ll^ Governor or cheif Deputy of the said Province and Premises for the time being, To whom we do by these Presents for us our Heirs & Successors give full Power & Authority to proceed in such Appeals, as in like Cases of Appeals within this Our Realm of

England; And We do further for us Our Heirs & Successors give & grant unto the said S^{r} Ferdinando Gorges his Heirs & Assigns full Power & Authority to pardon remit & release all Offences & Offenders within the said Province & Premises agst all, every or any the said Laws Ordinances or Constitutions, & to do all & singular other things unto the Execution of Iustice appertaining in any Courts of Iustice, according to the Form & Manner of Proceedings in such Courts to be used, altho' in these Our Letters patent there be no particular mention of the same; But we do nevertheless hereby signify & declare our Will & Pleasure to be that the Powers & Authorities hereby given to the said S^{r} Ferdinando Gorges his Heirs & Assigns for & concerning the Governm^{t} both Ecclesiastical & Civil within the s^{d} Province & Premises shall be subordinate & subject to the Power & Reglem^{t} of the Lords & others Commiss^{rs} here for forreign Plantations for the time being, but for all & whatsoever doth, shall or may concern the Propriety of the s^{d} Province, Parts & Coasts of the same or any of them, or any Owner-ship or Interest in any Lands, Tenements or other Hereditaments, Goods or Chattels, or the nominating or appointing of any Officer or Officers, the same is left wholly to the said Sir Ferdinando Gorges his Heirs and Assigns according to the Tenour, Jntent & true Meaning of these Presents; And because such Assemblies of Freeholders for making of Laws cannot always be so suddenly called as there may be occasion to require the same, We do therefore for us Our Heirs & Successors give & grant unto the said Sir Ferdinando Gorges his Heirs & Assigns full Power & Authority that he the said S^{r} Ferdinando Gorges his Heirs & Assigns by him & themselves, or by his or their Deputies, Magistrates or Officers in that behalf lawfully constituted shall or may from time to time make & ordain fit & wholsome Ordinances within the said Province or Premises aforesaid to be kept & observed as well for the keeping of the Peace as for the better Governm^{t} of the People there abiding or passing to or from the same, & to publish the same to all to whom it may concern, which Ordinances we do for us Our Heirs & Successors streightly command to be inviolably observed within the s^{d} Province or Premises under the Penalty therein expressed, so as the same Ordinances be reasonable & not repugnant or contrary but as near as may be agreable to the Laws & Statutes of Our Kingdom of England & so as the same Ordinances do not extend to the binding, charging or taking away of the Right or Jnterest of any Person or Persons in their Lives, Members, Freeholds, Goods or Chattels whatsoever; And because in a Country so far distant & seated amongst so many barbarous Nations, the Jncursions or Invasions as well of the barbarous People as of Pirates & other Enemies may be justly feared, we do therefore for us Our Heirs & Successors give & grant unto the said Sir Ferdinando Gorges his Heirs & Assigns full Power & Authority, y^{t} he the s^{d} Sir Ferdinando Gorges his Heirs and Assigns, as well by him & themselves as by his and their Deputies, Captains or other Officers for the time being shall or lawfully may muster, levy, raise, arm & employ all Person & Persons whatsoever inhabiting or residing within the said Province or Premises for the resisting or withstanding of such Enemies or Pirates both at Land & at Sea, & such Enemies & Pirates if Occasion should require to pursue & prosecute out of the Limits of the said Province or Premises, & them if it shall so please God to vanquish, apprehend & take, & being taken, either according to the Law of Arms to kill or to keep & preserve them at their Pleasures And likewise by force of Arms to recover from any Person or Persons all such Territories, Dominions Lands, Places, Goods, Chattles & Wares which hereafter shall be taken from the said S^{r} Ferdinando Gorges his Heirs or Assigns, or from his or their Deputies Officers or Servants, or from any the Planters, Jnhabitants or Residents of or within the said Province or Premises, or from any other Members, Aiders, or Assisters of the said Sir Ferdinando Gorges his Heirs or Assigns, or from any other the Subjects of Us, Our Heirs & Successors, or others in Amity with us Our Heirs & Successors in the said Province & Premises & Coasts or any of them, or in their Passage to or from the same; And We do further for Us Our Heirs & Successors give & grant unto the said Sir Ferdinando Gorges his Heirs & Assigns in Case any Rebellion, sudden Tumult or Mutiny shall happen to arise either upon the said Land within the s^{d} Province & Premises or any of them, or Coasts of the same, or upon the main Sea in passing thither or returning from thence, or in any such Expedition or Service as afores^{d}, it shall & may be lawfull to & for the said Sir Ferdinando Gorges his Heirs and Assigns, as well by him & themselves, as by his & their Deputies, Captains, or other Officers under his or their Seals in that behalf to be authorized, to whom we also for Us Our Heirs & Successors do give & grant full Power and Authority to do & execute the same, to use & execute Martial Law agst such Rebels, Traytors Mutiners & Seditious Persons in as ample Manner & Form as any Cap^{t} General in the Wars or as any Lieut^{t}. or Lieutenants of any County within this Our Realm of England by Virtue of his or their Office or Place may or have been accustomed in time of War, Rebellion or Mutiny to do & perform; And We do for us Our Heirs & Successors further give & grant unto the said Sir Ferdinando Gorges his Heirs & Assigns, & to all & every Commander, Gov^{r} Officer, Minister, Person & Persons which shall by the said Sir Ferdinando Gorges his Heirs or Assigns be thereunto authorized or appointed Leave, Licence & Power to erect raise & build from time to time in the Province Territories & Coasts aforesaid, & every or any of them such & so many Forts, Fortresses, Platforms, Castles, Cities, Towns & Villages & all Fortifications whatsoever, & the same & every of them to fortify & furnish with Men, Ordinances, Powder, Shott, Armour, & all other Weapons, Munition & Habiliments of War both for defence & Offence whatsoever, as to the said Sir Ferdinando Gorges his Heirs & Assigns & every or any of them shall seem meet & convenient, & likewise to commit from time to time the Governm^t^ Custody & Defence thereof unto such Person & Persons as to the said Sir Ferdinando Gorges his Heirs & Assigns shall seem meet, & to the said several Cities, Burroughs & Towns to grant Letters or Charters of Jncorporations with all Liberties & things belonging to the same, & in the said several Cities Burroughs & Towns to constitute such & so many Markets, Marts & Fairs & to grant such meet Tolls, Customes, Duties and Priviledges to or with the same, as by the said Sir Ferdinando Gorges his Heirs or Assigns shall be thought fit. And for that the Plantations are subject to diverse Difficulties & Discommodities, therefore, We favouring the present beginning of the said Plantation, & having a provident Care that those who are greived in one thing may be releived in another, do of our special Grace, certain Knowledge & meer Motion, for us Our Heirs & Successors give & grant unto the said S^r^ Ferdinando Gorges his Heirs & Assigns & unto all other our Subjects the Dwellers or Inhabitants that shall at any time hereafter be the Planters of or in the said Province or any of the Premises free Licence & Liberty for the landing, bringing in & unlading or otherwise disposing of all the Wares & Merchandizes, Profitts & Com̄odities of the s^d^ Province or any the Premises both by Sea & Land, either by themselves or their Servants, Factors or Assigns, in any of the Ports of us Our Heirs & Successors within Our Kingdoms of England & Jreland, paying only such Customs &

Subsidies & Duties as our natural Subjects of this Our Realm of England shall or ought to pay & none other, & to have & enjoy all such Liberties, Freedoms & Priviledges for or concerning the exporting of the same again, without Paym^{t} of any more Customs or Duties, & for having again of Jmpost in such manner, & in the like beneficial Sort as any of our natural Subjects of this Our Realm shall then have & enjoy, And We do also for Us Our Heirs & Successors give & grant unto the said S^{r} Ferdinando Gorges his Heirs & Assigns full & absolute Power & Authority to make erect & appoint within the s^{d} Province & Premises such & so many, Ports, Havens, Creeks & other Places for the Laading & unlading of Ships Barques & other Vessels, and in such & so many Places, & to appoint such Rights Iurisdictions, Priviledges & Liberties unto the said Ports Havens & Creeks belonging, as to him or them shall seem meet, & that all and singular Ships Hoys Barques & other Vessels to be laden & unladen in any way of Merchandize shall be laden or unladen at such Ports Havens & Creeks so by the said S^{r} Ferdinando Gorges his Heirs or Assigns to be erected & appointed, & not elsewhere within the said Province Premises & Coasts, & to appoint what reasonable Tolls shall be paid for the same, & the same Tolls to receive take & enjoy to the said Sir Ferdinando Gorges his Heirs & Assigns to his & their own use, without Accompt to be therefor made to Us Our Heirs or Successors, any use, Custom, Matter or thing to the contrary thereof notwithstanding, Saving always to all Our Subjects of this our Kingdom of England liberty of fishing as well in the Sea as in the Creeks of the said Province & Premises aforesaid, & the Priviledge of Salting & drying of their Fish & drying of their Nets upon the Shoar of the said Province & any the Premises, any thing to the contrary thereof notwithstanding, which said Liberties & Priviledges our Pleasure is that the said Subjects of us our Heirs & Successors shall enjoy without any notable Damage or Jnjury to be done to the said Sir Ferdinando Gorges his Heirs & Assigns or the Jnhabitants of the said Province or any of the Premises or in any of the said Ports, Creeks, or Shoars aforesaid, but cheifly in the Woods there growing; And We do further for us Our Heirs & Successors give and grant unto the said Sir Ferdinando Gorges his Heirs & Assigns full Power & Authority to divide all or any part of the Territories hereby granted or mentioned to be granted as aforesaid into Provinces, Counties, Cities Towns, Hundreds & Parishes, or such other Parts or Portions as he or they shall think fit, & in them, every or any of them to appoint & allot out such Portions of Land for publick Uses, Ecclesiastical & Temporal of what kind soever & to distribute grant assign & set over such particular Portions of the said Territories, Counties, Lands & Premises unto such our Subjects or the Subjects of any other Prince or State then in Amity with us our Heirs or Successors for such Estates & in such manner & formes as to the s^d^ Sir Ferdinando Gorges his Heirs or Assigns shall seem meet and Convenient, & the s^d^ Person & Persons according to the said Estate & Estates so assigned & granted to have & enjoy the same, & to make, erect & ordain in & upon the said Province & Premises, or in & upon any of them or any part or parcell of them so many several & distant [distinct?] Mannors as to the s^d^ S^r^ Ferdinando Gorges his heirs & Assigns from time to time shall seem meet, & to the same sev^ll^ Mannors to assign, limit & appoint so much Land distinctly & severally for Demesne Lands of the said several Mannors, & every of them, as to the s^d^ S^r^ Ferdinando Gorges his Heirs & Assigns shall & may seem necessary & fit, & the said Mannors or any of them to call by such Name & Names as the said S^r^ Ferdinando Gorges his Heirs & Assigns shall please, The said Mannors to be holden of the said S^{r} Ferdinando Gorges his Heirs & Assigns by such Services & rent as to him or them shall seem meet, & also that the said S^{r} Ferdinando Gorges his heirs & Assigns shall & may at their Pleasure grant in Freehold so much of the said Demesne Lands, Rents & Hereditaments belonging or to be belong^{g} to any of the said Mannors or any Person or Persons their Heirs & Assigns for & under such Rents & Services as to the said Sir Ferdinando Gorges his Heirs or Assigns shall be thought fit to be holden of the said Sir Ferdinando Gorges his Heirs & Assigns as of the said Mannors or any of them respectively, the Act of Parliam^{t} made & enacted in the eighteenth Year of King Edward the first commonly called Quia emptores Terrarum or any other Statute whatsoever, or any other matter or things whatsoever to the contrary thereof in any wise notwithstanding; And that he the said Sir Ferdinando Gorges his Heirs & Assigns shall have, hold & keep within the said several Mannors so to be made & erected such & so many Courts, as well Courtlates as Court Barons as to our Laws & Statutes of England shall be agreable; And We do further for Us, Our Heirs & Successors give & grant unto the said Sir Ferdinando Gorges his Heirs & Assigns for ever all Admiral Rights, Benefits & Jurisdictions & likewise all Priviledges & Commodities unto the said Admiral Jurisdictions in any wise belonging or appertaining in & upon the Seas, Rivers & Coasts of or belonging to the said Province & Premises, & every or any of them, or to the same adjoining within twenty leagues of the said Province or Premises or any of them, & in & upon all other Rivers & Creeks thereof & likewise power to hear & determine all manner of Pleas for & concerning the same Saving always to Us, Our Heirs & Successors & to the Lord high Admiral of England for the time being of Us Our Heirs & Successors all and all Manner of Iurisdictions, Rights, Powers Benefits

& Authorities whatsoever incident or belonging to the said Office of Admiral, which it shall be lawfull from time to time to Us, Our Heirs & Successors, or to the Lord High Admiral of England for the time being to have use and exercise within the said Province & Premises, & the Seas or Rivers thereof, or within twenty Leagues of the same as afores^{d} when we shall think fit; And We do for us, our Heirs and Successors give & grant unto the said Sir Ferdinando Gorges his Heirs & Assigns full Power and Authority at any time, or times hereafter by him or themselves or by his or their Deputies to administer reasonable Oaths to all Iudges Iustices, Magistrates & other Officers whatsoever by the s^{d} S^{r} Ferdinando Gorges his Heirs & Assigns his or their Deputies to be elected at y^{e} Election of them or [to ?] their several Offices or Places, or within convenient time after, & also that he the said Sir Ferdinando Gorges his Heirs and Assigns shall have full Power & Authority as well by him & themselves as by his or their Deputies or other cheif Magistrate or Officer by him or them to be in that behalf appointed to give & administer reasonable Oaths to all or any Person or Persons of what degree or Quality soever employed, or to be employed in or about the said Province, Premises & Territories aforesaid or any of them, or in or about the Coasts of the same, & likewise to all or any Inhabitants & others that shall be or remain within the s^{d} Province & Premises or any of them, for the true & faithfull Execution & Performance of their sev^{ll} Charges & Places, as for the Examination & clearing the truth, & likewise for the Information & better direction of his & their Iudgm^{ts} in any matter or cause whatsoever Cerning the said S^{r} Ferdinando Gorges his Heirs or Assigns, or any Inhabitant, Member or Person belonging or repairing unto the s^{d} Province & Premises, or any of them, or any part of them, & in all Causes, Actions, Suits & Debates there to be begun & prosecuted as the Nature of the Cause shall require, And further of our more especial Grace, certain Knowledge & mere Motion, We do hereby for us Our Heirs & Successors grant unto the said Sir Ferdinando Gorges his Heirs & Assigns, that it shall & may be lawfull to & for the said Sir Ferdinando Gorges his Heirs & Assigns & every of them from time to time to set to Sea such & so many Ships Pinaces, Barges, Boats & other Vessels as shall be thought fit by the said S^r^ Ferdinando Gorges his heirs & Assigns, prepared & furnished w^th^ Ordnance, Artillery, Powder, Shott, Victualls, Ammunition or other Weapons or Habiliments of War as well invasive as defensive in warlike manner or otherwise, & with such Number of Men, Women & Children as the s^d^ S^r^ Ferdinando Gorges his Heirs or Assigns shall think fit in such Voyage into the s^d^ Islands & Places or any part thereof, as well for the Plantation & Fortification thereof as otherwise, & that these Presents shall be a sufficient Licence & Warrant for any Person & Persons that shall be by him or them sent & employed thither to go beyond y^e^ Seas & in that manner so as the Persons so to be shipped, sent or transported as afores^d^ be not such as are or for the time being shall be prohibited by Proclamation of Us, Our Heirs or Successors, or by any Order or Orders of the Lords or other Comm^rs^ for foreign Plantations for the time being, And We do for us our Heirs & Successors further grant to & with the said Sir Ferdinando Gorges his Heirs & Assigns that only he the s^d^ S^r^ Ferdinando Gorges his heirs & Assigns, & his & their Factors, Agents, & such as shall be employed sent, licenced or allowed by him or them, & no other Person, or Persons whatsoever, except as before excepted, shall repair or go into the said Province of Mayne & Premises aforesaid, & the Places within y^e^ Limits & Coasts thereof, or any of them, to dwell, inhabit or abide there, nor have use & enjoy the Liberty, Use & Priviledge of Trade or Traffick unto in or from the said Province & Premises or any of them, or buying selling, bartering or exchanging for or with any Wares Goods or Merchandizes there whatsoever; And likewise that it shall & may be lawfull to & for the said Sir Ferdinando Gorges his Heirs & Assigns, & for all & every other Person or Persons that shall be licenced or allowed by the said S^r^ Ferdinando Gorges his Heirs or Assigns from henceforth & at all times, & from time to time after the date of these our Letters Pattents according to the Orders & Constitutions of the said S^r^ Ferdinando Gorges his heirs & Assigns not being repugnant to Our Proclamations & Orders of the Lords & others our Comm^rs^ as afores^d^ to take, convey, carry & transport for & towards the Plantation of the said Province & Premises or any of them, or to be used there or in the Passage thither, or returning from thence, & there to leave, abide and inhabit all such & so many of our loving Subjects, or any other Strangers that will become our Subjects, & live under our Allegiance as shall willingly transport themselves or be transported thither, & that such our Subjects or Strangers may together with their Persons send, carry or convey thither as well Shipping, Armour, Weapons, Ordnance, Ammunition, Powder, Shott and Habiliments of War as Victuals, Canvas, Linnen, Woolen Cloth, Tools, Implements, Furniture, Swine & Pullen, Goods, Wares, Merchandizes of all Kinds and Sorts whatsoever fit & necessary for the Food, Livelyhood, Habitation, Apparel or Defence of Our Subjects which shall there inhabit & be, & all other, Wares, Merchandizes and Goods whatsoever not prohibited by the Laws or Statutes of this our Kingdom, paying Customs and other Duties as other our Subjects do in such Cases AND of Our further royal favour we have granted & by these Presents for us Our Heirs & Successors we do grant unto the said S^r^ Ferdinando Gorges his Heirs & Assigns that the aforesaid Province, Rivers & Places hereby before mentioned to be granted or any of y^{m} shall not be traded in or unto, nor inhabited by any of the Subjects of us our Heirs & Successors without the special Licence of the said S^{r} Ferdinando Gorges his Heirs & Assigns, And therefore we do hereby for us our heirs & Successors, charge & command, prohibit & forbid all the Subjects of us our Heirs and Successors of what degree Quality or Condition soever they be, that none of them directly or indirectly presume to trade or adventure to traffick into or from, nor to inhabit or abide in the s^{d} Province of Mayne, Jsland, Dominions or Places hereby mentioned or intended to be granted or any of them, other than the s^{d} S^{r} Ferdinando Gorges his Heirs and Assigns, & his & their Deputies & Factors, unless it be with the licence & consent of the s^{d} S^{r} Ferdinando Gorges his heirs & Assigns first had & obtained in that behalf in Writing under his or their hands & Seals under Pain of our Indignation, & also of such Penalties & Punishments as by the Laws & Ordinances of the said Sir Ferdinando Gorges his Heirs & Assigns to be made in that behalf, shall be appointed; And We do further for Us, Our Heirs & Successors grant unto the s^{d} S^{r} Ferdinando Gorges his Heirs & Assigns, that all & every the Persons being the Subjects of Us Our Heirs & Successors, which shall go or inhabit within the s^{d} Province & Premises or any of them, & all & every the Children & Posterity descending of English Scottish or Jrish Parents which shall happen to be born within the same or upon the Seas in passing thither or from thence, from henceforth ought to be & shall be taken & reputed to be of the Allegiance of Us, Our Heirs & Successors, & shall be & so shall be for ever hereafter esteemed to be the natural born Subjects of Us, Our Heirs & Successors, & shall be able to plead & be impleaded, & shall have Power & be able to take by descent, Purchase or otherwise Lands Tenements

& Hereditaments & shall have & enjoy all Liberties, Franchises & Jmmunities of or belonging to any of the natural born Subjects of this our Kingdom of England within this Our Kingdom, & within all or any other of Our Dominions to all Intents & Purposes as if they had been abiding & born within this Our Kingdom or any other of Our Dominions; And We do further for us Our Heirs & Successors give full Power & Authority to the s^{d} S^{r} Ferdinando Gorges his Heirs & Assigns or any Person or Persons to be thereunto nominated by the s^{d} S^{r} Ferdinando Gorges his Heirs & Assigns to minister & give Oaths of Allegiance and Supremacy according to the Forms now established in this our Realm of England to all & every such Person & Persons as they shall think fit, that shall at any time or times go or pass into the s^{d} Province & Places or any of them, or shall be resident or abiding there; And Our further Will & Pleasure is, & We do by these Presents for us, our Heirs & Successors covenant, promise & grant to and with the said S^{r} Ferdinando Gorges his heirs & Assigns, that if he the said Sir Ferdinando Gorges his heirs or Assigns shall at any time or times hereafter upon any doubt which he or they shall conceive concerning the Validity and Strength of this present Grant be desirous to renew the same from Us Our Heirs or Successors with Amendment of such Jmperfections & Defects as shall appear fit & necessary to be reformed & amended by Us, Our Heirs & Successors, that then upon the humble Pet^{n} of the said S^{r} Ferdinando Gorges his Heirs & Assigns, such further & better Assurance of all & singular y^{e} Premises hereby granted or mentioned or intended to be granted according to the true Meaning of these Our Letters Patents shall from time to time by Us, Our Heirs & Successors be made & granted unto the said Sir Ferdinando Gorges his Heirs & Assigns, as by the Attorney Gen^{ll} of us Our Heirs & Successors for the time being & the learned Council of the s^d Sir Ferdinando Gorges his Heirs & Assigns shall in that behalf be reasonably devised or advised, And further We do hereby for Us, Our Heirs & Successors, charge & command all & singular Admirals, Vice Admirals, Generals, Commanders, Captains, Justices of the Peace, Mayors, Sheriffs, Bailliffs, Constables Customers, Comptrollers, Collectors, Waiters, Searchers & all other the Officers & Ministers of us our Heirs & Successors whatsoever as well now as hereafter for the time being, to be from time to time in all things aiding & assisting unto the said Sir Ferdinando Gorges his heirs & Assigns, & their Officers Factors & Agents, & to every or any of them upon Request made, as they tender our Pleasure, & will avoid the contrary at their Peril —And We do Will & for Us, Our Heirs & Successors do declare & ordain that the s^d Province & Premises shall be immediately subject to our Crown of England & dependant upon the same for ever. And further We Will, & by these Presents for us, Our Heirs & Successors do grant to the s^d S^r Ferdinando Gorges his Heirs & Assigns that this Our Letters Pattents or the Enrolment of them shall be in all things, & to all Jntents & Purposes firm good & effectual & sufficient in the Law against Us, Our Heirs & Successors, as well in all Courts as elswhere within our Kingdom of England or in any other Our Kingdoms & Dominions as in the said Province & Premises aforesaid or in any of them, & shall be construed reputed & taken as well according to the true meaning & Jntent as to the Words of the same most benignly, favourably & beneficially to & for the s^d Sir Ferdinando Gorges his Heirs & Assigns, no Jnterpretation being made of any Word or Sentence whereby Gods word, true Christian Religion now taught, professed & maintained, y^e fundamental Laws of this Realm, or Allegiance to us, Our Heirs & Successors may suffer prejudice or diminution any Omission, Misinformation, want of certain Expression of the Contents, Limits & Bounds or the certain Situation of the said Province & Premises aforesaid, hereby meant or mentioned to be granted, or in what heighth, Latitude or Degrees the same are, or any Defect in these Presents or any Law, Statute or other Cause or matter to the contrary notwithstanding; And altho' express Mention be not made of the true yearly Value or Certainty of the Premises, or any of them, and notwithstanding any misnaming & not certain or particular naming of the said Province, Places Lands, Territories, Hereditaments & Premises whatsoever before by these Presents given, granted, confirmed or mentioned & intended to be granted or confirmed or any part thereof, or the misnaming or not naming, or not rightly naming of the degrees & Coasts wherein or whereupon the same or any of them do lye, or any Act of Parliam^t^ Statute Ordinance, Proclamation or Restraint heretofore made or denied [ordained?] or provided, or any other thing cause or Matter to the contrary notwithstanding; Nevertheless Our Intent & Meaning is that out of the Premises hereby granted or mentioned to be granted there shall be always saved & reserved to all & every such Person or Persons as have or hath any lawfull Grant or Grants of Land or Plantations, lawfully settled in the division & Premises aforesaid the Freeholding & enjoying of his & their Right with the Liberties thereunto appertaining, he & they relinquishing & laying down all his or their Iura Regalia, if he or they have any, to the said Sir Ferdinando Gorges his Heirs & Assigns, whom we have hereby made Proprietors of the Province or Division and Premises aforesaid and paying some small Acknowledgment to the said Sir Ferdinando Gorges his Heirs & Assigns, for that he & they are now to hold their said Land anew of the said Sir Ferdinando Gorges his Heirs & Assigns. JN WITNESS whereof We have caused these our Letters to be made Patents, Witness Ourself at

Westminster the third day of April, Jn the fifteenth Year of Our Reign.

Per breve de privato Sigillo
Wolseley

Examined ꝑ J Willard Secr̃y

A true Copy as of Record
Examined J Willard Secr̃y.

LII.

CONVEYANCE OF LANDS AT PEJEPSCOT, BY THOMAS PURCHASE.

$\frac{\text{AUGUST } 22}{\text{SEPTEMBER } 1}$, 1639.

Sources.

By the conveyance of lands at "Pagiscott" (Pejepscot) from Thomas Purchase to Governor Winthrop, $\frac{\text{August } 22}{\text{September } 1}$, 1639, Massachusetts acquired her first right of jurisdiction in Maine.

The original deed was entered in the "Records of the Governor and Company of the Massachusetts Bay in New England," I., 124, and is found in the printed "Records," I., 272, 273. An early manuscript copy from the original records is in the possession of the Maine Historical Society, "Pejepscot Papers," VII., 489; it was printed by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 457, and by George Augustus Wheeler and Henry Warren Wheeler, "History of Brunswick, ... Including the Ancient Territory Known as Pejepscot" (Boston, 1878), 9.

The text adopted is that of the printed "Massachusetts Records."

Text.

This indenture, made the 22th day of the 5th m°, @ 1639, betweene Thomas Purchase, of Pagiscott, gentleman, of the one parte, and John Winthrope, Esq, Governo^{r} of the Massachusets, on the behalfe of himselfe, the Governo^{r} & Company of the Massachusets, on the other parte, witnesseth, that the said Thomas, for divers good causes & considerations him therevnto moveing, hath given & granted, & by these ꝑsents doth give & grant, vnto the said John Winthrope & his successors, the Governo^{r} & Company of the Massachusets, forever, all that tract of land at Pagiscott aforesaid, vpon both sides of the ryver of Androscoggin, being four miles square towards the sea, wth all liberties & priviledges therevnto belonging; so as they may plant the same wth an Inglish colony when they shall see fit, and shall have as full power forever to exercise iurisdiction there as they have in the Massachusets; provided, that the interest & possession of such lands as the said Thomas now vseth, or shall make vse of, for his owne stock, & improvement wthin seaven yeares next ensuing the date hearof, shall bee & remaine to the said Thomas, & his heires & assignes forever, vnder the iurisdiction aforesaid; and as well the said Thomas himselfe, & his family, & his heires & assignes, as all other the inhabitants vpon the said lands, are forever to bee vnder the due ꝓtection of the said Governo^{r} & Company, by order of the Generall Court, as other inhabitants of the same iurisdiction are: This grant by approbation of the said Generall Court to bee recorded & exemplified vnder the com̄on seale, or otherwise to bee voyde. In witnes whereof the parties abovesaid have hearvnto interchangably set their hands & seales the day & yeare first above written./

THOMAS PURCHES.

Signed, sealed, & deliv^{r}ed, in the ꝑsence of
STEPHEN WINTHROPE,
THOM: LECHFORD,
AMOS RICHARDSON.

LIII.

COMMISSION TO SIR THOMAS JOCELYN AND OTHERS, BY SIR FERDINANDO GORGES.

SEPTEMBER 2/12, 1639.

Sources.

The commission to Sir Thomas Jocelyn and his councillors, September 2/12, 1639, by Sir Ferdinando Gorges, "for the government of the Province of Maine according to his ordinances," was transcribed in the ancient records of York. The commission has been printed from that source by James Sullivan, "History of the District of Maine" (Boston, 1795), Appendix VI., 417-421; and by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I., 458-462. It is mentioned by George Folsom, "History of Saco and Biddeford" (Saco, 1830), 53, 54; and by William Willis, "History of Portland" (Portland, 1831), I., 46, 47.

The text adopted is Sullivan's print from the York records.

Text.

To all christian people to whome this present writinge shall come, I Sir Ferdinando Georges, lord proprietor and owner of the Province of Maine in New England in America, do send greeting in our Lord God everlasting. Know yee, that whereas it hath pleased the king's most excellent majestie to take into his owne actuall and reall possession, all the terretories and tracts of land, now called New England in America; and hath, out of his royall favour, by his royall charter under the great seale of England, bearing date the third day of April, in this present fifteenth yeare of his highness' raigne, graunted and confirmed unto me the said Sir Ferdinando Georges, all that part and porcion of land lying and being in New England aforesaid, which by the meetes and bounds thereof, extendeth itself from the entrance of Pascataway Harbour unto the river of Sagadebadocke, and soe up into the maine land one hundred and twentie milles, and hath declared his royall pleasure that the said portion of maine land aforesaid shal be henceforth called and named the Province of Maine, with all the soyles, rivers and brookes thereof, and hath also, by his said royall charter, given me power and authoritie to make and establish ordinances for the better government and wellfare of the inhabitants of the said province, and publique peace thereof, with divers other royalties, priviledges and imunities, as by the said royall charter, a true copy whereof is hereunto annexed, wherunto relation being had more at large, it doth and may appeare; by vertue whereof, I have upon deliberate consideration, made and established the ordinaunces unto this commission subscribed, for the better government of my said province, and until my further pleasure shall be signified for the revocation and making voide thereof, or untill I shall assemble the freeholders of my said province for enacting such lawes and statuts as may agree with the welfare of the publique state of the said province: wherefore, of the speciall good opinion which I have conceived of my trusty and well-beloved Sir Thomas Josselin knight, Richard Vines, Esq. my steward general, Francis Chapernoon, Esq. my loving nephew, Henry Josselin, and Richard Bonithton, Esquires, William Hooke and Edward Godfree gentlemen, I doe hereby constitute, ordaine and appoint them, the said Thomas Josselin knight, Richard Vines, Francis Champernoone. Henry Josselin and Richard Bonithton, Esquires, William Hooke and Edward Godfree, gentlemen, to be my councellors for the due execution of justice in such manner and forme as by my ordinances hereunto subscribed is directed, and as by the said annexed royall charter I am inabled, and doe alsoe give them power and authoritie to administer oaths to any person or persons within my said province for there better direccon and clearing of the truth in any cause or matter that shall depend before them, and to doe and performe all other things unto the execution of justice belonging in such manner and form as by my said subscribed ordinances is ordeyned, and the said royall charter I am authorised, and I do alsoe give full power and authoritie unto the said Richard Vines, Esq. my said steward generall, to administer the oaths of allegiance according to the form used in this his majesties realme of England, and the oath in the said ordinances expressed unto the rest of my said councellors, and after the administration thereof unto them as aforesaid, I doe will and authorize them or any two of them to administer the said oaths unto the said Richard Vines, and soe to proceed to the execution of justice according to the power unto them given in my said ordinances, as by the said annexed copy of royall charter I am appointed. And for so much as there hath been several complaints, to me exhibited, against the piracies, spoyles, and other dangerous attempts that have bin made upon the inhabitants of my said province by the natives and other piraticall persons, contrary to the law of nations, and to the disheartening of other good subjects to be planters therein, for prevention whereof I do by the vertue of the power to me given by his majesties said royall charter, give full power and authoritie unto my said councellors, or any five of them, whereof the said Sir Thomas Josselin, or Richard Vines, Esquires, to be one, by there commission under there hands and seales, directed to the provost martiall, or such other person or persons as they shall thinke fitt, to leavy armes, and take such forces as the said province will afoard, and therewith to make head, either by land or by sea, against such piratts or other persons, and to use all the means they can, for the vanquishing of them, or driving them out of the said province, and if it shall soe please God, to apprehend, kill or take them, and being taken, to proceed against them according to marshall law, or otherwise to determine of them as by the said councell shal be thought convenient, or the major voyce of them shall adjudge at there next assembly or sessions, to be held after apprehention of such piratts or other persons. All which sessions or other assemblies are by them to be held at such convenient tymes as they or the greater parte of them, whereof the said Sir Thomas Josselin, or Richard Vines, Esquires, to be one, shall thinke fitt for the due execution of the said ordinances, which ordinances doe follow in these words. . . .

LIV.

COMMISSION TO THOMAS GORGES AND OTHERS, WITH ORDINANCES, BY SIR FERDINANDO GORGES.

March 10/20, 1639/40.

Sources.

The commission by Sir Ferdinando Gorges, March 10/20, 1639/40, for the government of the Province of Maine, is similar in tenor to the one issued the preceding September. Sir Thomas Jocelyn was at this time in England; accordingly Sir Ferdinando appointed in Jocelyn's place his cousin, Thomas Gorges, who was sent to the province.

A copy of the original commission is in the Public Record Office, London. A memorandum states that "ordinances lately expressed were renewed and sent into the Province of Maine with a copy of the patent." For expedition of suits Gorges gave to the secretary of the council his seal, without which no document would be valid.

The commission, with the ordinances, was transcribed into the book of records at York. From that source it was printed by James Sullivan, "History of the District of Maine" (Boston, 1795), Appendix VI., 413-417. Sullivan evidently mistook this commission for the preceding one; but the date, March 10, 1639, proves, according to the Julian calendar, that this is the later document.

The ordinances are reprinted, with the Commission, from Sullivan's text.

Text.

To all christian people to whom this present writing shall come; I Sir Ferdinando Gorges, knight, lord, and owner of the Province of Mayne in New England in America, doe send greeting in our Lord God everlasting:— Know yee, that whereas by my commission and ordinances, bearing date in September last past, I have made and established a councell in my said province for the due execution of justice there, according to the power unto me given by his majesties letters pattents, bearing date the third day of Aprill, in this present fifteenth yeare of his highness raigne. Now for that I am not certaine whether my said commission and ordinances be safely arrived within my said province, whereby justice may be duly executed according to the tenor thereof, I have thought fit to reestablish a councell therein for the execution of justice according to the ordinances hereunto subscribed, and according to the power unto me given by the said letters pattents, a true coppie whereof is hereunto annexed: by virtue of which power, I hereby nominate and appointe my trustie and wellbeloved cosen Thomas Gorges, Esq. Richard Vines, Esq. my servant and steward general, Henry Joselin, Esq. Francis Champernoone, Esq. my loving nephew, Richard Bonithon, William Hook and Edward Godfrey, Esqs. to be my councellors for the due execution of justice in such manner and form as by my subscribed ordinances is directed, and as by the said letters pattents I am enabled, and I doe alsoe give them power to administer oathes to any person or persons within my said province for their better direccon and clearing of the truth in anie cause or matter which shall depend before them, and to doe and performe all other things unto the execution of justice in such manner and forme as by my said subscribed ordinances is ordained, and the said royall charter I am enabled or authorised; and doe alsoe give my said kinsman Thomas Gorges, Esq. and my said steward, general, or either of them, full power and authoritie to administer the oath of allegiance, according to the form now used in this his highness' realme of England, and the oath in the said subscribed ordinances inserted unto the rest of the said councellors, and after the administration thereof unto them, as aforesaid, I do will and authorize them or any two of them to administer the said oathes to the said Thomas Gorges and Richard Vines, and so to proceed unto the execution of justice according unto the power unto them given in the said subscribed ordinances, as by the said letters pattents, I am appointed or enabled. And forasmuch as there have bin sundry complaints unto me exhibited, of the piracyes, spoiles and other dangerous attempts that have bin made upon the inhabitants of my said province by the natives and other piraticall persons, contrary to the law of nations, and to the disheartening of other good subjects to plant therein; for prevention whereof, I do, by virtue of the power unto me given by the said letters pattents, authorize my said councell or any five or more of them, whereof the said Thomas Gorges or Richard Vines, Esqs. to be one, by commission under the publique seale of my said province, directed to the provost marshall or such other person or persons as they shall thinke meete, to leavy and take such forces as the said province will afford, and therewith to make head by land or sea against such piratts, and them to pursue by all good wayes and means out of the said province, and if it shall soe please God to apprehend, kill or take them, and being apprehended either according to martiall law to proceede against them, or otherwise to dispose of them as by my said councell or the greater part of them shal be thought meete at their next sessions or assembly to be held for publique determination[1] of causes within the said province, according to the said subscribed ordinances, which ordinances doe follow in these words:

Ordinances made and established and ordained by me Sir Ferdinando Gorges, knight, lord, and proprietor of the Province of Mayne in New England in America, and to be put in execucon by ,the persons hereafter menconed.

First. Having desired nothing more than the happiness and prosperity of my said province, and that the inhabitants thereof may be peaceably and prosperously governed, I have thought fit, according unto the power unto me given by his majesty's said letters pattents bearing date as aforesaid, to nominate and appoint my trusty and well beloved osen Thomas Gorges, Esq. Richard Vines, Esq. my servant and steward generall, Henry Joselin, Esq. Francis Champernoon, Esq. my loving nephew, Richard Bonithin, William Hooke, and Edward Godfrey, Esqs. and such others as I shall hereafter appoint, to be of my said councell duringe my will and pleasure only: and I doe hereby give my said cosen Thomas Gorges, Esquire, and my said steward generall Richard Vines, Esq. or either of them power and authority to call together so many of my said councell as shal be sufficient to determine and order any suite or matter depending before them or which shall hereafter depend before them (according to these my ordinances) and that there may be a certaine place and time for determininge of suites and causes, I have thought fitt to assigne the place to be as neare as may be unto the midst of that partt of the said province which is most inhabited, and that your meetings be upon a day certaine once a month to be appointed by my said councellors or any three of them, whereof the said Thomas Gorges or Richard Vines to be one; and at those meetings I doe give my said councell, or any three of them, whereof the said Thomas Gorges or Richard Vines to be one, power and authoritie, and do ordaine, that they shall examine, determine and punish all blasphemyes, mutinies, murders, felonyes, burglaryes, manslaughters, robberyes, pettilarcenyes, rapes and ravishments, swearing, drunkenness, adultereyes, fornication, incest, riots, routs, unlawful assemblyes, spreaders of false newes, oppressions, exaccons, extorcons, forestallinge, regrateinge, and all other undue raisinge the prices of the commodities whatsoever, and alsoe all forgeryes, perjuryes, and all other offences don or committed within the said province, contrary to the peace of our soveraigne lord the king, his royall crowne and dignitie; and that my saide councell or any three of them, as aforesaid, whereof the said Thomas Gorges or Richard Vines, to be one, shall and may inflict such paines and punishments, upon any person or persons duly convicted or found guilty before them, for committing anie of the offences aforesaid, as by his majestyes laws or statutes now in force in this his highness' realme of England are made and provided for such offenders in as large and ample manner as by the said letters pattents I am enabled and no otherwise. And I doe further ordeyne that my said councell or anie three of them whereof the said Thomas Gorges or Richard Vines, to be one, shall heare, determine and order all complaints to them exhibibited within the said province for controversies arising between party and party, touching breach of covenants, debts, detinues, assumptsits, bonds, bills, legacyes and all other causes and actions whatsoever that doth or may concerne any person or persons in their goods chattels or freeholds, within the said province, and to make such orders upon hearing thereof for the relief of the complainant as the justness of the cause shall require, and as to the lawes and statutes of this his highness' realme of England are agreeable, and to award such costs and damages to the plaintiffe or defendant upon hearinge thereof as they shall thinke meete. But I doe limitt and restraine the power before menconed for punishinge the offences before expressed and hearinge and determininge differences arising betweene party and party from extending to the punishinge, orderinge, or arbitrating any cause or offence which shall depend before my said councell (saving such offences and causes as they shall punish and order according to the power unto me given by the said letters pattents, not exceeding or varyinge any thing from the same according to the intent and true meaning thereof. And I do further ordayne that my said councell or any three of them as aforesaid, whereof the said Thomas Gorges or Richard Vines, Esqs. to be one, shall punish all persons that contemptuously refuse to give obedience unto such orders as my said councell shall make at their sittings or sessions, and to impose fynes, and committ the parties soe contemninge them, to prison, until they give obedience thereunto : and that there may be an orderly course held, for summoninge of appearance to any that shall be called to answer before my said councell, I have assigned this shorte forme of process to be there used : —

---

[1] "Detetmination" in Sullivan.

To *A*. *B*. of *D*. in the said province, greeting, These are to will and command you to come and appeare before us the councell established for the Province of Mayne upon the first day of, &c. to answere to the complaint of *E*. Given under the seale of the secretary of our said councell the day of, &c.

But in case of fellony or any capitall offence, the warrant is to be directed to the provost marshall or constable of the peace, and to be after this forme :

These are to command you, presently upon receipt hereof, to take with you a sufficient guard, and to use your best meanes for apprehending of *A. B.* and him to bringe before us to answer unto such matters of fellony as shall be objected against him. Hereof fail not, &c. Given under the seale, &c.

And I doe further ordeyne that you appointe some able sufficient clarke, to register all your proceedings, and record all your orders of courte; and to assigne such other officers as shall be fitt, to attend your courte: and I doe alsoe ordeyne that if any person or persons shall contemne any of your orders, made according to the power unto me given by the said letters pattents, that you then assigne your provost martiall, to goe with a sufficient guard for apprehencon of such delinquents, and him or them to deteyne in safe prison, till you further determine of them; but in case resistance be made, then the provost martiall is to proceede to the killinge of such resisters as in like case of rebellion, you giving him warrant for soe doinge, which warrant is to be after this manner:

To the provost martiall, &c. Forasmuch as sufficient proofe hath been made before us of the mutinous demeanors of *E. D.* contrary to the honour of justice, and to the breach of severall orders in that behalf provided, These are therefore strictly to charge and command you, to take with you a stronge guard well armed, and that you omit not to apprehend the said *E. D.* and him to bringe before us or some of us to be dealt withall accordinge to the nature of his cryme: and in case resistance, be made, or that he fortify his house against you, that you then omit not by fire or otherwise to proceed against him, as against a dangerous rebell.

But before this be granted, the court is to procede unto a diligent hearing of the complainte and to be well assured of the proofes made of the matters he stands accused of, which done, sentence is to be given specyfieing the proofes whereupon the order is grounded: and for the execution of such orders, and keeping of prisoners, you are to make a provost martiall, who is to have a house built for that purpose at the common charge, for that it is for the publique good. And I doe further ordeyne that my said councellors before they procede to the orderinge or punishinge any of the offences or causes before expressed, shall take the oath of allegiance according to the forme now used in this his high[n]ess' realme of England for their loyaltie to his majestie, and also the oath hereafter expressed for the due execution of justice without respect of persons, which oath doth follow in these words:

I doe sweare to be a faithful servant and councellor unto Sir Ferdinando Gorges, knight, my lord of the Province of Maine, and to his heirs and assignes, to doe and perform all dutiful respects to him or them belonginge, concealing their councells, and without respect of persons to give my opinion in all cases according to my conscience and best understandinge, both as I am a judge for hearinge of causes, and otherwise freely to give my opinion as I am a councellor for matters of the state, or commonwealth; and that I will not conceale from him and his said councell any matter of conspiracy or mutinous practise against my said lord, his heires or assignes, but will instantly after my knowledge thereof discover the same unto him and his said councell, and seeke to prevent it, and by all means prosecute the authors thereof with all severity, according to justice: and thereupon I kisse the booke.

And that all suites or causes that shall depend before my said councell may proceed in an orderly manner without confusion or uncertainty, I do hereby nominate and appoint my said kinsman Thomas Gorges, Esq. to be secretary of my said councell, and have delivered him a seale for sealing of all processes or warrants which shall issue from my said councell; and doe ordayne that all processes or warrants which shall issue there without being duly sealed with the said seale, after the publishinge of these my ordinances, shall be utterly void and frustrate, and such persons as refuse to give obedience thereunto, not to be punished for their soe doinge. In witness whereof, I have hereunto put my hand and seale, the tenth day of March, in the fiftenth yeare of the raigne of our most gracious soveraigne lord, king Charles, annoque Domini, 1639.

LV.

ASSIGNMENT OF THE PLYMOUTH CHARTER, BY WILLIAM BRADFORD.

March 2/12, 1640/41.

Sources.

The assignment of the charter, by William Bradford, to the freemen of Plymouth, with certain reservations to the "old comers," was made March 2/12, 1640/41. A record of the proceeding is found at Plymouth in the original "Court Orders," II., 10, 11, printed in "Plymouth Colony Records," II., 10, 11.

The assignment was published by Ebenezer Hazard "Historical Collections" etc. (Philadelphia, 1792), I., 468, 469; William Brigham, "The Compact with the Charter and Laws of the Colony of New Plymouth" (Boston, 1836), 305-307; and William T. Davis, "History of the Town of Plymouth, with a Sketch of the Origin and Growth of Separatism" (Philadelphia, 1885), 44, 45. There is also a manuscript copy in the British Museum, in a collection of papers marked "New England Papers, transcribed from ancient records of Plymouth Colony," 14f.

The text adopted is that of the "Plymouth Colony Records."

Text.

Whereas diuers and sondry treaties haue beene in the publike & Gen̄all Courts of New Plymouth, his ma^tie^, our dread sou̅aigne, Charles, by the grace of God King of England, Scotland, France, and Ireland, &c̄, concerning the ꝓper right and title of the lands w^th^in the bounds and limmitts of his said ma^ties^ łres patents, graunted by the right hon^ble^ his ma^ties^ counsell for New England, ratifyed by their com̄on seale, and signed by the hand of the Right Hon^ble^ Earle of Warwick, then president of the said counsell, to William Bradford, his heires, associats, and assignes, beareing date, &c̄; and whereas the said Wilłm Bradford and diuers others, the first instruments of God in the begiñinge of this greate work of plantac̄ōn, together w^th^ such as the alorderinge hand of God, in his ꝓuidence, soone added vnto them, haue beene at very greate charges to ꝓcure the said lands, ꝑviledges, & freedomes, from all entanglements, as may appeare by diuers and sundry deeds, enlargements of graunts, purchases, payments of debts, &c̄, by reason whereof the title to the day of this p^r^nt, remayneth in the said Wilłm, his heires, associats, and assignes, — now, for the better setling of the state of the said lands aforesaid, the said Wilłm Bradford and those first instruments termed and called in sondry orders vpon publike record, the purchasers, or old comers, witnes two in especiall, tħone beareing date the third of March, 1639, tħother in Decemb^r^ y^e^ first, 1640, wherevnto these p^r^nts haue speciall relac̄on & agreement, and whereby they are distinguished from others the freemen and inhabitants of the said corporation, — be it knowne vnto all men, therefore, by these p^r^nts, that the said Willm Bradford, for himself, his heires, together wth the said purchasers, do onely reserue vnto themselues, their heires and assignes, those three tracts of lands mencõned in the said resolucõn, order, & agreement, beareing date the first day of December, 1640, vizs, first, from the bounds of Yarmouth, three miles to the eastward of Naemskeckett, and from sea to sea, crosse the said neck of land; the second, of a place called Acconquesse, als Acockcus, wch lyeth in the bottome of the bay, adjoyneing to the west side of Poynt Perrill, and two miles to the westerne side of the said riuer, to another place, called Acqussent Riuer, wch entreth at the westerne end of Nickatay, and two miles to the eastward thereof, and to extend eight miles vp into the countrey; the third place from Sowamsett Riuer to Patucquett Riuer, wth Causumpsit Neck, wch is the cheef habitacõn of the Indians, and reserued for them to dwell vpon, extending into the land eight miles through the whole breadth thereof, together wth such other smale p̃cells of lands as they or any of them are ꝑsonally possessed of or interested in by vertue of any former titles or graunts whatsoeuer. And the said Willm Bradford doth, by the free and full consent, approbacõn, and agreement of the said old planters or purchasers, together wth the likeing, approbacõn, & acceptacõn of the other part of the said corporacõn, surrender into the hands of the whole Court, consistinge of the freemen of this corporacõn of New Plymouth, all that ther right & title, power, authorytie, prviledges, immunities, & freedomes granted in the said łres patents by the said right honble counsell for New England, reserueing his & their ꝑsonall right of freemen, together wth the said old planters aforesaid, except the said lands before excepted, declareing the freemen of this present corporacõn, together wth all such as shalbe legally admitted into the same, his associats. And the said Willm Bradford, for him, his heires and assignes, doe further hereby ꝑmise and graunt to doe & ꝑforme whatsoeuer further thinge or thinges, act or acts, w^{ch} in him lyeth, which shalbe needfull and expedient for the better confirmeing & establishinge the said ꝑmisses as by counsell learned in the lawes shalbe reasonably aduised and deuised, when he shalbe therevnto required. In witnes whereof, the said Wilłm Bradford hath in publike Court surrendred the said łres patents actually into the hands and power of the said Court, bynding himself, his heires, execut^{rs}, administrat^{rs}, and assignes, to deliũ vp whatsoeuer specialties are in his hands that dȯ or may concerne the same.

Memoranđ: that the said surrender was made by the said Wilłm Bradford, in publick Court, to Nathaniell Sowther, especially authorized by the whole Court to receiue the same, together wth the said łres patents, in the name and for the use of the whole body of freemen.

It is ordered by the Court, that M^{r} Wilłm Bradford shall haue the keepeing of the said łres patents, w^{ch} were afterwards deliũed vnto him by the said Nathaniell Sowther in the publike Court.

LVI.

COMMISSION TO LORD D'AULNEY CHARNIZAY, BY LOUIS XIV. OF FRANCE.

February, 1647/8.

Sources.

The commission to Lord D'Aulney Charnizay, February, 1647/8, by Louis XIV. of France, with the approval of his mother, the queen regent, extended the western limits of his territory as far as "North Virginia," or New England. The document was brought forward by the English commissioners under the treaty of Aix-la-Chapelle, as a proof that Acadia and Nova Scotia were identical.

The commission is of further interest because of its connection with the controversy between Sir Charles La Tour and D'Aulney. It is believed that De Razilly, at the same time at which he made La Tour commander in West Acadia, appointed D'Aulney his lieutenant in East Acadia. While D'Aulney was always unwavering in his allegiance to the church of Rome, La Tour was ready at any time to change his religious belief for his own advantage.

Many papers which relate to the D'Aulney controversy, including the commission, are in the "Massachusetts Archives," from which source they were printed by the Massachusetts Historical Society "Collections," 3d Series, VII. The commission is also included in "Collection de Manuscrits Contenant Lettres, Mémoires, et Autres Documents Historiques" (Quebec, 1883), I., 120-124; and a copy from the original is in "Memorials of the English and French Commissaries Concerning the Limits of Nova Scotia or Acadia" (London, 1755), I., 571-576.

The text adopted is from the transcript in the "Massachusetts Archives," II., 492-498, which is an English translation.

Text.

Lewis by the Grace of God King of France & Navarr to all People present and to com greeting. Being well informed & assured of the laudable & commendable affection, trouble & diligence that our dear and well beloved Charles de Menou Knight Lord d'Aunay Charnisay apointed by the late King of blessed memory our most honoured Lord & Father (whom God absolve) Gouvernor and our Lieutenant General in the Country & Caost of La Cadie in New France hath used both to the conversion of the Savages in the said Country to the Christian Religion and Faith, and the establishing of our authority in all the extent of the said Country, having built a Seminary under the direction of a good number of Capucine Friars for the instruction of the Said Savages's Children, and by his care and courage driven the Forein Protestants out of the Pentegoet Fort which They had seized to the preiudice of the rights and authority of our Crown, & by our expres commandment taken again by force of arms, and put again under our power the Fort of the River Saint john which Charles of Saint Etienne Lord de la Tour was possessed of, and by open rebellion endeavoured to keep against our will and to the great contempt of the declarations of our Council by the help and countenance of Forein Protestants with whom he had made a confederacy for that purpose, and that moreover the said Lord d'Aunay Charnizay hath happily began to form and settle a French Colony in the said Country, cleared and improuved great parcels of lands, and for the deffence and conservation of the said Country, under our authority and power built and strenuously Kept against the endeavours and assaults of the said Forein Protestants four Forts in the most necessary places, and them furnished with a sufficient number of Soldiers, sixty great guns & other things requisit to that, all with great & immense charges, the which to bear he hath been forced to borrow of severall persons great sums of money, we not having been able to give him all the assistance in that occasion that we had given, if the necessity of our affairs had permitted Us. Make Known that we desire with all our heart for the glory of God the encreasing of the Christian Faith and Relligion the Salvation of those poor Savages's Souls, who live in ignorance withour[t] any Religion & knowledge of our Maker, as also for the honour and greatness of our Crown that so pious and honorable a work be carried on and finished as perfectly as possible, fully trusting in and assured of the zeal care industry courage good & wise behaviour of the said d'Aunay Charnizay, & being willing, as it is but reasonnable to reward his good and faithfull services, have by the advice of the Quen Regent our most honoured Lady and Mother, and with certain knowledge full power and Royall Authority the said Lord d'Aunay Charnizay confirmed, and do confirm a new as much as need is or might be, and have apointed and do apoint by these presents signed by our own hand Gouvernor and our Lieutenant General representing our Person in all the above said Countrys Territorys Caosts and bounds of l'Acadie, beginning from the brink of the great River Saint Laurens, both along the Sea-caost and adiacent jslands, and innerpart of the main Land, and in that extent as much and as far as can be as far as the Virginias,[1] to settle and make known our name, power and Authority and submitt to it the People that dwell there, to bring them and cause Them to be instructed in the knowledge of the true God and light of the Christian Relligion and Faith, and command there upon the sea as well as upon the Land, to order and put in execution all that he knoweth that can and ought to be done for the maintaining and keeping the said places under our Authority and Power, with power to appoint and settle all Officers both Civil & Military for the first time, and afterwards name Them to us and present Them for our confirmation and to give Them our Letters to that necessary: and according to the occurrences of affairs with the advice & concill of the wisest and ablest persons make laws statutes and ordinances conform to ours as much as it is possible, make peace, alliance & confederacy with the said People Their Princes & others having power & commandment over Them, to make open war against Them, to establish and maintain our Authority and the freedom of trade and commerce between our Subiets and Them and in other cases as he will think fit, to grant our said Subiects who may live and trade in the said Country et to the Natives thereof privileges places & dignitys according [to] the qualitys & merits of Persons, all under our good pleasure. We do will that the said d'Aunay Charnizay may and

---

[1] A word formerly used to denote New England as well as more southern colonies.

We give him power to keep and appropriate to himself what he will think most convenient & proper to his Settlement and use of the said Countrys and places, and to distribute such parts thereof as he pleaseth both to our said Subiets that will settle there, and to the Natives, and to grant them such titles, honours, rights powers & facultys as he will think fit, according [to] the qualitys, merits & services of Persons; to cause the mines of gold silver, copper & other metals and minerals to be carefully Sought after and to put them in use as it is prescribed by our declarations. We reserve only the tenth part to our selves of the profit arising of the gold silver & copper ories and leave to him what might belong to us as to the other metals & minerals to help him to bear the other expences of his Gouvernement. We do grant to the said Lord d'Aunay Charnizay leave to build Towns, Forts harbours & other places that he thinketh to be usefull for ye above mentioned purposes, and there to Set such Officers & garrisons as need shall be, and generaly to do for the settlement habitation & conservation of the said Countrys, Lands & Caosts of l'Acadie from the said River S. Lawrens as far as the Virgines, their appartenances & dependences under our name & authority all that we could do our selves if we were there in person, giving him to that end all power & authority & special commission by these presents. Et for as much that the only way that he hath hitherto had & hath now and may have for the time to come, to bear part of the great charges that he hath been and is still at the said Lord d'Aunay Charnizay, for the keeping both of the said four Forts and garrisons there, and the Colony that is forming there and the Friars and Seminary abovesaid, all which things are maintained and do subsist at his own charge & cost, no body else having contributed to it any thing, is the trade and traffick of furs with the said Savages, without which he could not maintain himself and would be fain' to leave and abandon all to the preiudice of God's honor and our Crown's and the Savages's souls who have already embraced Christianity, *We have graciously given and gra[n]ted to* the said Lord d'Aunay Charnizay exclusively of all Others and by these presents do give and grant in confirming his actual possession of the same the privilege power & faculty to trafick & trade in furs with the said Savages throughout the said Country of main Land and caost of l'Acadie from the River Saint Lawrens to the Sea, and as far as the said Countris & Caost may be extended to the Virginias, to possess it as well as the lands, gold silver & copper mines and other metals & minerals, and all other things above mentioned himself, his heirs & assigns and make homage of them to us either in person or by an Atorney considering the distance of the places and the danger by reason of his absence; to cause the said trade of furs to be menaged by Those he will appoint, and give power to do it. We do expresly forbid all merchants masters & Captains of ships and others our Subiets and the Natives of the said Country of whatsoever condition & quality They be to trade in the said furrs with the said jndians without his special leave and permission on pain of disobedience and entire confiscation of Their vessels, victuals arms, munitions and goods for the said Lord d'Aunay Charnizay and thirty thousand livers [livres] of fine. We do permit the Lord d'Aunay Charnizay to hinder Them by all means, to stop the Offenders, Their Vessels arms and victuals, in order to deliver them into the hand of justice, to be proceeded against the persons and goods of the said Offenders And in order that our intention and will be known and no body may plead ignorance, we command all our justices and officers every one in his place that at the request of the said Lord d'Aunay Charnizay They shall cause these presents to be read published et registered, and what is contained in them to be kept and observed pounctually, causing to be post^{ed} up the contents Thereof in the seaports havens and other places of our Kingdom Lands & Countrys of our Dominions where need shall be, willing that credit be given to the coppys well collated by one of our beloved & faithfull Councellors & Secretarys or Notary Royall required to do it as to the present original. For such is our pleasure. jn witness whereof we have caused our seal to be set to these presents. Given at Paris in the month of February in the year of grace thousand six hundred forty seven, and the fourth of our reign

Signed

Lewis

& lower By the King the Queen Regent his Mother being present De Lomenie.

LVII.

SOCIAL COMPACT TO SECURE INDEPENDENT GOVERNMENT, BY WELLS, GORGEANA AND PISCATAQUA.

JULY, 1649.

Sources.

The "Social Compact" of Wells, Gorgeana and Piscataqua, in 1649, was a voluntary association to secure independent government. Although in 1646 the name of the Piscataqua plantation had been changed to "Kittery," the earlier designation was retained in the compact.

The document is preserved in manuscript among the ancient records of the Province of Maine, and was first published by the Massachusetts Historical Society, "Collections" (1792), 1st Series, I., 103. An abstract is in

William D. Williamson, "History of the State of Maine" (Hallowell, 1832), I., 326.

The reprint here given is from the text of the Massachusetts Historical Society, which is the best text available.

Text.

Whereas, the inhabitants of Piscataqua Gorgiana and Wells in the Province of Mayn, have here begun to ppògat and populict these parts of the country did formerly by power derivative from Sir Ferdinando Gorges Knight, exersise — the regulating the affairs of the country as ny as we could according to the laws of England, and such other ordinances as was thought meet and requisit for the better regulating thereof. Now forasmuch as Sir Ferdinando Gorges is dead, the country by their generall letter sent to his heirs in June 1647 and 48. But by the sad distractions in England noe returne is yet come to hand. And command from the Parlament, not to meddle insoemuch as was granted to Mr. Rigley. Most of the commissioners being dep'ted the Province. The inhabitants are for present in sume distraction about the regulating the affairs of these sites; For the better ordering whereof till further order power and authoryty shall come out of England; the inhabitants with one free and universanimus consent due bynd themselves in a boddy pollitick a combination to see these parts of the country and Province regulated according to such laws as formerly have been exercised and such others as shall be thovght meet, not repugnant to the fundamental laws of our native country.

And to make choyse of such Governor or Governes and Majistrates as by most voysses they shall think meet. Dated in Gorgiana alias Accoms. the day of Julie 1649. The priviledge of Accoms. Charter excepted.
(copied literatim)

LVIII.

PETITION TO PARLIAMENT, BY THE GENERAL COURT OF THE PROVINCE OF MAINE.

DECEMBER 5/15, 1651.

Sources.

The petition to Parliament from the General Court of the Province of Maine, December 5/15, 1651, for protection under the commonwealth, was not granted. It occasioned so much uneasiness in Massachusetts, however, that it led the colony to "a perusal" of its charter in order to discover some grounds by which the authority it wished to exercise might be established by legal right. For that reason the petition is of importance in the documentary history of Maine. It also marks the beginning of the active struggle between the Episcopalian party in the Province of Maine and the Puritans of Massachusetts.

The petition was first printed from the manuscript records at York, by James Sullivan, "History of the District of Maine" (Boston, 1795), 322, 323; later by Charles Edward Banks, "Edward Godfrey, his Life, Letters, and Public Services, 1584-1664," Maine Historical Society, "Collections," IX., 338, 339.

The text adopted for this reprint is that of Banks.

Text.

TO THE RIGHT HONOURABLE THE COUNSELL OF STATE APPOINTED BY PARLIAMENT:

The Humble Remonstrance and Petition of the General Court assembled in and for the Province of Mayne in New England 5 December 1651. Whereas the Parliament have declared by an Act of the 3^d of October 1650, that the Islands and other places in America where any English are planted are and ought to be subject to and dependent upon England and hath ever since the Planting thereof been and ought to be subject to such Laws Orders and Regulations as are and shall be made by the Parliament of England and for as much as we take our selves to be members of that grand Body thinking it the greatest Honour and safety so to be: freely and willingly subjecting our selves unto the present Government as it is now established without a King or House of Lords, and therefore we beg the Benefit of the Common Safety and Protection of our Nation and humbly crave Leave to present unto your Honours our Remonstrance and Petition as followeth:

Humbly sheweth that whereas divers of the Inhabitants of this Province by Virtue of sundry Patents and otherwise have this Twenty Years engaged our Lives Estates and Industry here and regulated under the Power and Commission of Sir Ferdinando Gorges who had these Parts assigned him for a Province, now he being dead and his Son by his great Losse here sustained hath taken no order for our Regement and the most of the Commissioners dead and departed this Province we were forced and necessitated to joyne our selves together by way of combination to govern and rule according to the Lawes of England. Our humble Request unto your Honours therefore is to confirm our said Power and Authority for our better Regement by Power from yourselves that you would be pleased to declare us Members of the Common Wealth of England and that we and our Posterities may enjoy our Imunities and Priviledges as freeborn Englishmen together with the continuation of such other Rights as we enjoy as Planters as also equal share of your Favours bestowed on the Colonies in these Parts.

Per me Ed: Godfrey Gov. in Behalfe of the General Courte.

LXIX.

LETTERS PATENT CONFIRMING SIR CHARLES LA TOUR IN ACADIA, BY LOUIS XIV. OF FRANCE.

$\genfrac{}{}{0pt}{}{\text{FEBRUARY 25}}{\text{MARCH 7}}$, 1651/2.

Sources.

The letters patent to Sir Charles La Tour, by Louis XIV. of France, $\genfrac{}{}{0pt}{}{\text{February 25}}{\text{March 7}}$, 1651/2, confirmed to him the government of Acadia. They are similar in tenor to those issued to D'Aulney in 1647/8, after the banishment of La Tour. The death of D'Aulney in 1650 left Nova Scotia without a governor; and as La Tour in the meantime had been exonerated from any Protestant bias, he was adjudged a suitable person for the new commission. The boundaries included his old station at Pentagoët (Penobscot), and by his subsequent marriage with Madame D'Aulney, the widow of his rival, his position was still further strengthened.

The original letters patent were in the Plantation Office at Whitehall until the removal of the records to the present office in Fetter Lane. The transcript for the "Memorials of the English and French Commissaries Concerning the Limits of Nova Scotia or Acadia" (London, 1755), I., 576-579, is from that source, and is the text adopted.

Text.

LOUIS, par la grace de Dieu, Roi de France & de Navarre; à tous présens & à venir, Salut. Etant bien informés & assurés de la louable & recommendable affection, peine & diligence que notre cher & bien amé Charles de Saint-Etienne, Chevalier, Sieur de la Tour, qui étoit ci-devant institué & établi par le feu Roi de très-heureuse mémoire, notre très-honoré Seigneur & père (que Dieu absolve), Gouverneur & notre Lieutenant général au pays & côte de l'Acadie en la Nouvelle France, & lequel, depuis

quarante-deux ans en ça a apporté & utilement employé tous ses soins, tant à la conversion des Sauvages dudit pays à la foi & religion chrêtienne, qu'à l'établissement de notre autorité en toute l'étendue dudit pays ; ayant construit deux forts, & contribué de son possible pour l'instruction des enfans desdits Sauvages, &, par son courage & valeur, chassé les étrangers religionnaires desdits forts, desquels ils s' étoient emparés au prejudice des droits & autorités de notre Couronne ; ce qu' il auroit continué de faire, s' il n' en eût été empêché par Charles de Menou, Sieur d'Aulnay Charnisay, lequel auroit favorisé ses ennemis en des accusations & suppositions qu' ils n' ont pû vérifier, & desquelles ledit de Saint-Etienne a été absous le seizième février dernier : Et que davantage, il est besoin d' établir audit pays des colonies Françoises, pour défricher & cultiver les terres, & pour la défense & conservation dudit pays, munir & garnir les forts de nombre suffisant de gens de guerre, & autres choses à ce requieses & nécessaires, où il convient faire de grandes dépenses ; savoir faisons que Nous, en pleine confiance du zèle, soin, industrie, courage, valeur, bonne & sage conduite dudit de Saint-Etienne, & voulant, comme il est bien raisonnable, reconnoitre ses bons & fidèles services, avons, par l' avis de la Reine Régente, notre très-honorée Dame & mère, & de nos certaine science, pleine puissance & autorité royale, icelui Sieur de Saint-Etienne confirmé & confirmons de nouveau, en tant que besoin est ou seroit, ordonné, & établi, ordonnons & établissons par ces présentes, signées de notre main, Gouverneur & Lieutenant général, représentant notre personne en tous les pays, territoires, côtes & confins de l'Acadie, suivant & conformement aux patentes qui, si dûrement lui en ont été expédiées, pour y établir & faire reconnoître, notre nom, puissance & autorité, y assujétir, soûmettre & faire obéir les peuples qui y habitent, & les faire instruire en la connoissance du vrai

Dieu & à la lumière de la foi & religion chrêtienne, & y commander, tant par mer que par terre, ordonner & faire exécuter tout ce qu' il connoître se devoir & pouvoir faire, pour maintenir & conserver lesdits lieux sous notre autorité & puissance, avec pouvoir de commettre & établir, & instituer tous officiers, tant de guerre que de justice, pour la première fois, & delà en avant nous les nommer & presenter pour les pourvoir & leur donner nos lettres à ce nècessaires ; & selon les occurences des affaires, avec l'avis & conseil des plus prudens & capables, faire & établir loix, statuts & ordonnances, le plus qu' il se pourra, conformes aux nôtres ; traiter & contracter paix, alliance & confédération avec lesdits peuples, ou autres ayant pouvoir ou commandement sur eux ; leur faire guerre ouverte, pour établir & conserver notre autorité, & la liberté du trafic & negoce entre nos sujets & eux, & autre cas qu' il jugera à propos ; jouir & octroyer à nos sujets qui habiteront ou négocieront auxdits pays & aux originaires d' icelui, graces & privilèges, et honneurs, selon les qualités et mérite des personnes : le tout sous notre bon plaisir. Voulons et entendons que ledit Sieur de Saint-Etienne se reserve et approprie, & jouisse pleinement & paisiblement de toutes les terres à lui ci-devant concédées, & d' icelles en donner & departir telle part qu' il avisera, tant à nosdits sujets qui s'y habitueront, qu' auxdits originaires, ainsi qu' il jugera bon être, selon les qualités, mérite & services des personnes ; de faire soigneusement rechercher les mines d'or, argent, cuivre, & autres métaux & minéraux, & de les faires mettre & convertir en usage, comme il est prescrit par nos ordonnances ; nous reservant du profit qui proviendra de celles d'or, argent & cuivre seulement, le dixième dernier : & lui délaissons & affectons ce qui nous pourroit appartenir des autres métaux & minéraux, pour lui aider à supporter les autres dépenses que sadite charge lui apporte. Voulons que ledit Sieur de Saint-Etienne, privativement à tous autres, jouisse du privilège, pouvoir & faculté de trafiquer & faire la traité de pelleteries avec lesdits Sauvages, dans toute l'étendue dudit pays de terre ferme & côte de l'Acadie, pour en jouir & de toutes les choses ci-dessus déclarées, & par ceux qu'il commettra & à qui il en voudra donner la charge: faisant très-expresses inhibitions & défenses à tous marchands, maîtres & capitaines de navires et autres nos sujets originaires dudit pays, de quelque état, qualité & condition qu' ils soient, de faire trafic et la traite desdites pelleteries avec lesdits Sauvages, audit pays & côté de l'Acadie, sans son exprès congé & permission, à peine de désobéissance & confiscation de leurs vaisseaux, vivres, armes, munitions & marchandises, au profit dudit Sieur Saint-Etienne, & de dix mille livres d' amende: permettons à icelui Sieur de Saint-Etienne de les empêcher par toutes voies, & d' arrêter les contrevenans à nosdites défenses, leurs navires, armes & victuailles, pour les remettre ès mains de la justice, & être procédé contre les personnes & biens desdits désobéissans, ainsi qu' il appartiendra. Et à ce que cette notre intention & volonté soit notoire, & qu' aucuns n'en prétendent cause d' ignorance, mandons & ordonnons à tous nos officiers & justiciers qu' il appartiendra, qu'à la requête dudit de Saint-Etienne ils ayent à faire lire, publier, registrer ces présentes, & le contenu en icelles faire garder & observer ponctuellement, faisant mettre & afficher ès ports, havres & autres lieux de notre royaume, pays & terres de notre obéissance que besoin sera, un extrait sommaire du contenu en icelles: Voulant qu'aux copies, qui en seront dûement collationnées par l 'un de nos amés & feaux Conseillers & Secrétaires ou Notaire royal sur ce requis, foi soit ajoûtée comme au présent original: Car tel est notre plaisir; en témoin de quoi nous avons fait mettre notre scel à ces présentes. Donné à Paris, le vingt-cinquième jour de février l'an de grace mil six cens cinquante-un,

& de notre regne le huitième. Signé LOUIS; & sur le repli est écrit, Par le Roi & la Reine Regente sa Mère présente, le Tellier, avec visa, & scellé de cire verte en lacs de soie.

LX.

THE COUNTY OF YORKSHIRE CREATED, BY THE GENERAL COURT OF MASSACHUSETTS.

NOVEMBER 20/30, 1652.

Sources.

For the circumstances which led to the creation of the County of Yorkshire by the General Court of Massachusetts, November 20/30, 1652, reference must be made to the "Records of the Governor and Company of the Massachusetts Bay in New England." $\substack{\text{May 26}\\ \text{June 5}}$, 1652, the Court passed the following order about the north line: "Concerning the north lyne of this jurisdic͠con, itt was this day voted, vppon prvsall of our charter, that the extent of the ljne is to be from the northermost parte of the Riuer Merremacke and three miles more north, where it is to be found, be it a hundred miles, more or lesse, from the sea, and thence vppon a streight ljne east & west to each sea."

In acordance with this liberal interpretation of the boundaries laid down in the "colony charter," John Sherman of Watertown, and Jonathan Ince, a student at Harvard College, were employed as "artists" "to finde out the most northerly part of Merremacke Riuer." They made return that on the first day of August, 1652, they found the latitude required to be 43° 40′ 12″ N., "besides those minutes which are to be allowed for the three miles more north which runn into the lake ['Winnapuscakit']."

A commission was immediately issued by Governor Endicott, with full power to settle the civil government to the most northerly limit of the patent. In November the town of Kittery acknowledged the government of Massachusetts, and the County of Yorkshire in western Maine was formally created, with the same rights and privileges that the inhabitants south of the Piscataqua enjoyed. Subsequently other settlements submitted to the authority of

Massachusetts, and the name and power of Gorgeana were extinguished.

The special grant of privileges to Kittery is in "Massachusetts Records," IV., part I., 124-126; "York Deeds," I., folios 26, 27; Ebenezer Hazard, "Historical Collections," etc. (Philadelphia, 1792), I., 573, 574; James Sullivan, "History of the District of Maine" (Boston, 1795), 335-337; and James Phinney Baxter, editor, "Baxter Manuscripts," Maine Historical Society, "Documentary Series," IV., 25-28.

The "Massachusetts Records" contain the earliest authentic copy, which is the text adopted.

Text.

The graunt to Kittery, 20th Nouember, 1652.

Whereas the toune of Kittery hath acknowledged themselves subject to the gouernment of the Massachusetts Bay in New England, as by the subscription vnder theire hands, bearing date the 16th of this instant, it doth appeare, wee, the comissioners of the Gennerall Court of the Massachusetts for the setling of gouernment amongst them and the rest wthin the bounds of theire charter northerly to the full and just extent of theire lyne, haue thought meete and actually doe graunt as followeth: —

1st. That the whole tract of land beyond the Riuer of Piscataq, northerly, together with the Isle of Shoales, wthin our sajd bounds, is and shallbe henceforth a county, or shire, called by the name of Yorkshire.

2. That the people inhabiting there shall enjoy protecc̃on aequall acts of favor, & justice wth the rest of the people inhabitting on the south side of the Riuer Piscataqe, wthin the ljmitts of our whole jurisdicc̃on.

3. That Kittery shallbe and remajne a touneship, & haue and enjoy the priviledges of a toune, as others of the jurisdicc̃on haue and doe enjoy.

4. That they shall enjoy the same bounds that are cleere betweene toune and toune, as hath binn formerly graunted

when co͞missioners of each bordering toune hath vejwed and retourned to vs or to the Gennerall Court theire survey.

5. That both each toune and euery inhabitant shall haue and enjoy all theire just proprietjes, titles, and interests in the howses and lands which they doe possesse, whither by graunt of the toune, or of the Indeans, or of the former Gennerall Courts.

6. That the town of Kittery, by theire freeman, shall send one deputy yearely to the Court of Election, and that it shallbe in theire libertje to send to each Court two deputjes, if they thinke good.

7. That all the present inhabitants of Kittery shall be freemen of the countrje, and, having taken the oath of freemen, shall have libertje to give theire votes for the election of the Gouerno^r^, Assistants, and other gennerall officers of the countrje.

8. That this county of Yorke shall haue County Courts w^th^in themselves, in the most co͞modious and fitt places, as authoritje shall see meete to appointe.

9. That euery touneshipp shall haue three men, approoved by the County Court, to end smale cawses, as other the touneshipps in the jurisdic̃con hath, where no magistrate or co͞missioner resideth.

10. That the shire shall or may haue three associates to asist such co͞missioners as the present co͞missioners or authoritje of the Massachusetts shall send, and such magistrates as shall voluntarilly come vnto them from tjme to tjme.

11. That the inhabitants of the county of Yorkshire shall not be draune to any ordjnary gennerall traynings out of theire oune county w^th^out theire consent.

12. That the inhabitants of Kittery shall also haue & enjoy the same priviledges that Douer hath, vppon theire coming vnder this gouernment.

13. That all such as haue or shall subscribe voluntarily, as the rest haue donne, before the ending this Courte, shall haue the priviledge of indempnitje for all acts of power excercised by the former gent̃ vntill the protest, and for and in respect of such criminall matters as are breaches of pœnall lawes wthin the whole gouernment; provided, that Abraham Cunly hath libertje to appeale in respect of his case wherein he was fined tenn pounds, ann^{o} 51.

14. Provided alwajes, that nothing in this our graunt shall extend to determine the infringing of any persons right to any land or inhæritaunce, whither by graunt, by pattent, or otherwise, where possession is had, but such titles shallbe left free to be heard and determined by due course of lawe.

Provided, and it is heereby declared, that nothing in this graunt shall extend to restrajne any civill action, or revejw for former civill cawses, which reveiw shall be brought to any of our Courts wthin one yeere now ensuing. And whereas there are certajne debts and imposts due to the inhabitants of Kitterje and Accomenticus, and some debts which are owing from them to p̃ticular persons for publicke occasions, itt is therefore ordered and agreed, that M^{r}. Niccolas Shapleigh shall haue power forthwith to collect such som̄e or som̄es of money as are due to the aforesajd inhabitants, and pay such debts as are justly dew from them, and give an accompt thereof, wthin one month, to the com̄issioners that shallbe then in present being; and if it shall then appeare that there is not sufficyent to discharge the peoples engagement, it shall be suppljed by way of rate, according to the former custome.

SYMON BRADSTREET,
THO: WIGGIN,
SAMUELL SYMONDS,
BRJAN PENDLETON.

LXI.

PETITION FOR ENLARGED PRIVILEGES ON THE KENNEBEC, BY EDWARD WINSLOW OF NEW PLYMOUTH.

March 8/18, 1652/3.

Sources.

For the petition of Edward Winslow, in behalf of New Plymouth, for enlarged privileges on the Kennebec River, March 8/18, 1652/3, the only records are found in the "Interregnum Entry Book" (now in the Public Record Office, London), XCIV., 425, 426. Abstracts are printed by George Folsom, "A Catalogue of Original Documents in the English Archives, Relating to the Early History of the State of Maine" (New York, 1858).

The text adopted is that of the abstracts from the public records, by W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, 1574-1660, pages 376, 378, 401.

Text.

Order of the Council of State. For their report to be presented to Parliament upon petition of Edward Winslow, on behalf of William Bradford, governor of New Plymouth, in New England, and his associates, wherein he sets forth that for many years the plantation has had a grant for a trading place in the river Kennebec, but not having the whole of the river under their grant and government, many excesses and wickednesses have been committed, and the benefit of the trade for furs, one of the greatest supports of their plantation, has been taken from the inhabitants of New Plymouth, and prays for a grant of the whole river of Kennebec; recommending the desire of the petitioner to be granted, with a saving in the grant of the rights of any of the people of the Commonwealth, the grant to pass under the Great Seal, if Parliament think fit. . . .

April 29/May 9. Order of the Council of State. Referring the desire [of Edward Winslow] to have a patent for Kennebec river, in New England, sealed with the seal of the Council, to the Committee for Foreign Affairs, for their report upon what has been done in cases of the like nature. . . .

March 16/26. Minutes [of a Committee for Foreign Affairs]. To report to the Council of State the opinion of this Committee, that the government of the whole river of Kennebec in America be granted to the town of New Plymouth, in New England, for seven years, by way of probation. . . .

LXII.

EXTRACTS FROM THE TREATY OF WESTMINSTER, BETWEEN OLIVER CROMWELL, LORD PROTECTOR OF ENGLAND, AND LOUIS XIV. OF FRANCE.

NOVEMBER 3/13, 1655.

Sources.

By the treaty of peace between Louis XIV. of France and Oliver Cromwell, lord protector of England, made at Westminster, November 3/13, 1655, the English were virtually left in possession of Acadia. Although the treaty provided for commissioners to settle terms, including those as to "the right of either to the three forts of Pentacost [Pentagoet?] St. John, and Port Royal in America," these questions were not determined until the treaty of Breda.

The earliest text of this treaty is in Frédéric Léonard, "Recueil de Traités de Paix" (Paris, 1693). A Latin translation is in Jean Dumont, "Corps Universel Diplomatique du Droit des Gens" (Amsterdam, 1728), VI., Part ii., 121-124; this is reprinted in "Mémoires des Commissaires du Roi et de ceux de sa Majesté Britannique, sur les Possessions & les Droits respectifs des deux Couronnes en Amérique" (Paris, II., 1755), 10-31. An English translation is in Charles Jenkinson, "A Collection of All the Treaties of Peace, Alliance, and Commerce, between Great-Britain and Other Powers," from 1648 to 1783 (London, 1785), I., 81-85. It is also entire (in English) in "A General Collection of Treatys of Peace and Commerce, Renunciations, Manifestos, and Other Publick Papers, from the Year 1642, to the End of the Reign of Queen Anne" (London, 1732), III., 149-160.

The text of Jenkinson is adopted for this reprint.

Text.

I. THAT from this time there be a firm peace between the Republic and France, and that the subjects of both nations be at liberty to travel through the dominions of each other, and that the judges and officers do take care that they be rather favoured every where, and all manner of justice be done them.

II. Neither party shall directly or indirectly assist such as are now, or shall be hereafter declared rebels, enemies, or adherents against the other.

III. All manner of hostilities shall cease, and whatsover shall be taken after fourteen days next ensuing the publication of this treaty, shall be restored within three months after the parties interested shall demand the same, but if legal satisfaction be refused, either party may issue letters of marque and reprisal, to affect only the particular delinquents, not the effects of the subjects of either unconcerned.

. . . .

XXIV. Whereas since the year 1640 many prizes have been taken on both sides, commissioners shall be appointed to settle the same at London, and if they do not determine in six months and a fortnight, the city of Hamburg shall be desired to delegate commissioners, whose arbitration shall be final, and their award made within four mounths;

but if neither shall make an award, no force shall be used on either side until after the expiration of four months more.

XXV. The right of either to the three forts of Pentacost, St. John, and Port Royal in America, shall be determined by the same commissioners.

XXVI. In case of a war breaking out, the merchants shall have six months time to remove their effects.

XXVII. Contraveners of this treaty shall be obliged to make satisfaction, and refusing so to do, shall be deemed enemies to both parties, and punished accordingly, but the same shall not affect the league in any sense.

XXVIII. This league shall be ratified within a fortnight, and immediately after published and proclaimed, and it is agreed, that the Lords the States General shall be included herein.

LXIII.

EXTRACT FROM THE GRANT OF ACADIA, BY OLIVER CROMWELL.

AUGUST 9/19, 1656.

Sources.

The grant by Oliver Cromwell, lord protector of England, to Sir Charles La Tour, Sir Thomas Temple and William Crown, August 9/19, 1656, was made under the condition that La Tour should show right by purchase from Sir William Alexander. The grant by Cromwell was a recognition both of the conveyance by Alexander in 1630, and of the title of "baronet of Scotland," conferred on La Tour. Notwithstanding the fact that La Tour, who had held a commission from Louis XIV. of France, had been defeated in 1654 by Major Sedgwick, his religious convictions were sufficiently elastic for him to become a good Protestant again under the lord protector.

Although Cromwell defines the river St. Georges as the western limit, yet, after the cession to France " with undefined limits," by the treaty of Breda, a controversy began which continued for nearly a century.

The grant, in French, is in the Dépôt de la Marine in Paris, from which source it was printed in Ebenezer Hazard, " Historical Collections," etc. (Philadelphia, 1792), I., 616-619, and in " Mémoires des Commissaires du Roi et de ceux de sa Majesté Brittanique, sur les Possessions & les Droits respectifs des deux Couronnes en Amérique " (Paris, 1755), II., 511-516. An abstract, in connection with other documents showing the title of England to Acadia, is in W. Noel Sainsbury, editor, " Calendar of State Papers," Colonial Series, 1574-1660, page 447. Extracts are in Thomas C. Haliburton, "An Historical and Statistical Account of Nova Scotia" (Halifax, 1829), I., 64; William D. Williamson, " History of the State of Maine" (Hallowell, 1832), I., 362; and Joseph W. Porter, editor, " Bangor Historical Magazine" (1889), IV., 161.

That portion of the grant which contains reference to the boundaries is taken from a translation " by the best French scholars," in the " Bangor Historical Magazine."

Text.

The country and territory called Acadia and part of Nova Scotia, from Melliguesche, (now Lunenburg) on the coast to Port and Cape La Heve, following the shores of the sea to Cape Sable, and from there to a certain Port called La Tour, and at present called Port L'Esmeron, and from there following the shores and islands to Cape Fourchere, and from thence to Cape and river Saint Mary, following the shores of the sea to Port Royal; (now Annapolis,) and from thence following the shores to the innermost point of the Bay, (now Bay of Fundy) and from thence following the said Bay to Fort Saint John, and from thence following all the shore to Pentagoet and river Saint George in Mescorus (Muscongus,) situated on the confines of New England on the west and inland all along, the said shores one hundred leagues in depth, and farther to the first habitation made by the Flemings or French, or by the English of New England; and the space of thirteen leagues into the sea, the length of the said shores aforesaid, etc.

At Westminister, Aug. 9, 1656.

LXIV.

COMMISSION TO COLONEL TEMPLE, BY OLIVER CROMWELL.

September 17/27, 1656.

Sources.

The commission by Oliver Cromwell, lord protector of England, to Colonel Thomas Temple, as governor of Nova Scotia, September 17/27, 1656, also gives the St. Georges as the western limit of territory under his command. The language of the commission conforms closely to that of the grant of August 9/19 of the same year. By reference to W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, 1574-1660, page 453, it appears that La Tour gave up all right and title to Acadia, September 20/30, only a few days subsequent to the date of the commission. In "Suffolk Deeds, III., 108-112, there is recorded a "Division of the Patent" between Temple and Crowne, made September 12/22, 1657, and confirmed February 15/25, 1657/8. From that time "honest Tom Temple" was both governor and proprietor of Nova Scotia until the Restoration.

The commission was entered at Boston, July 6/16, 1657, from the original document, in order that an English registry might give stronger validity to the title. It is in "Suffolk Deeds," III., 22-26, which is the only text noted.

Text.

Oliuer P.

Oliuer Lord Protecto^{r} of the Commonwealth of England Scotland and Ireland and the Dominions thereto belonging

To all to whom these. p^{r}esen^{ts}. shall Come. Greeting Know. yee. that wee reposing especiall. trust and. Confidence in the wisedome prudence loyalty and abillity of ou^{r} trusty and welbeloued Colonell Thomas Temple. of ou^{r} especiall Grace certajne knowledge and meere. moc̃on. Haue by and wth the Advice and Consent of ou^{r} Councell Graunted and Com̃itted And by these p^{r}esents. Doe for vs. and ou^{r} successo^{rs} Graunt and Com̃itt vnto him the sajd Thomas Temple the Care charge Custody and Gouernmen^{t} of all and singular the Countrjes Lands Islands fforts. and territoryes in America. heerin' after menc̃oned bounded and Lymitted that is to say the Countrjes and territorjes called Lacadye otherwise Accadja and part of the Countrey. called Noua. Scotia from Mereliquish on the East to the Port. and Cape of La Stere leading along the Coast to Cape Sable from thence do a Por^{t} now Called La Tour heretofore L^{e} meray & from thence following the Coast and Island to the Cloven Cape and thence to the Cape and Riuer of Ingogen following the Coast to Port Royall and thence following the Coas^{t} to the bottome of the bay. and thence along the baye^{s} to S^{t} Johns fforts and thence all along the Coast. to. Pentacost and the Riuer of S^{t} George to Muscontus. Scittuate vpon the Confines of New England on the west and extending from the Sea Coast vp in the land all along in the lymitts and bounds aforesajd one hundred leagues and thirty leagues into the Sea all along the Coasts. afores^{d} And of all and singular the Territoryes. Lands. Islands. Seas Riuers. Lakes fforts and ffortresses. whatsoeuer. wthin the Boundaryes and Lymitts Aforesajd And the Jurisdicc̃on of ou^{r} Admiralltje and all other Jurisdicc̃ons Rights. ffranchises. and libertjes wha^{t}soeuer wthin the bounds. and ljmitts afforesajd And to the end he the sajd Thomas Temple may be the better Incouraged Awthorized and enabled to vndertake and mannage the Trust heere by in him reposed in such manner tha^{t} the Gospell and true Religion of christ maybe propagated amongt the heathen and Savage people there, the honor of vs and good of this Comonwealth Advanced, Trade promoted, and the natjves. and Inhabitants in those parts reduced and brought vnder^{r} ou^{r} Gouerment and protection and kept. in theire due obedjence to vs and this Comonwealth Wee haue made ordajned constituted Assigned and Appointed And by theise presents Do make Ordeyne Constitute Assigne and Appoint him the sajd Thomas Temple to be ou^{r} Leiftennant of and in the Aforesajd Countrjes Lands Islands fforts Territo^{r}jes and limitts aforesajd, And Doe Giue and Graunt vnto him full. powe^{r} and Authoritje in our name and as ou^{r} Leftennan^{t} to Rule Gouerne and orde^{r} all and singular the Inhabitan^{ts} there as well the naturall borne people of this Comon Wealth as the natives and Savages and all othe^{rs} that shall happen to be or abide there according to the lawes of England, and such other good wholesome and Reasonable orde^{rs} Articles and Ordinances as shall be most requisite and needefull: And all such as shall be found Disobedient in the p^{r}misses. to chastise correct and punish according to theire faults and demeritts and the lawes. Orde^{rs} Articles. and ordinances aforesajd And also wth force and strong hand to fight with kill, slay, suppresse, Subdue, and Annoy all such as in hostile manner shall Attemp^{t} or goe abou^{t} to encounter the sajd Thomas Temple; or his Company or our forces there. or to possesse and Invade the Countrje forts Territoryes and Seas Aforesajd or any of them. or in any wise to Impeach ou^{r} possession thereof; or ou^{r} Right and Title thereto, or to hurt or Annoy. him the sajd Thomas Temple or his Company; or any the people there. being; or tha^{t} heere after shall be setled or placed in the sajd forts Country^{s} and Territory^{s}. or any othe^{rs} that shall Goe or transport themselves thither or, any part thereof vnde^{r} ou^{r} protection; streightly charging and Commanding all manner of persons. w^{ch} now are; or heereafter shall be Abiding in the sajd Countrjes Islands or Territorjes, or any of them; that they be obedient Ayding and Asisting, to the sajd Thomas Temple in all things as to ou^{r} Leiftennan^{t} And ffurther Wee Doe by theise p^{r}sen^{ts} Give and Graun^{t} vnto him the sajd Thomas Temple full powe^{r} and Authoritje all persons as Doe or shall Inhabit there. or shall be Implojed vnde^{r} him to trayne trade and exercise in Armes according to the discipljne of warre from time [to ?] tjme and at all tjmes when and as often as neede shall requjre or by him shall be thought ffitt. for the p^{r}ese^{r}vac̃on of the publicque peace there and Safeguard of the Countrjes forts Territoryes and Seas aforesajd And also to make constitute and Appointe vnde^{r} him fitt and Convenian^{t} office^{rs} and ministers of Justice as well millitary as Civill; for the peace Safety and Good Goũment of ou^{r} sajd Countrjes Territo^{r}jes and people there And for the better execution. of ou^{r} Se^{r}vice, and Comand in the p^{r}misses; and securing ou^{r} Interest in the sajd Countrjes Islands fforts Seas and Territorjes Wee doe by theise presents Give and Graunt. further Powe^{r} and Authoritje vnto him the sajd Thomas Temple to Errect build rajse and make such Cittyes. Townes Villages Castles Cit̃dells. fforts and fortiffications there as he shall Judge necessary and Convenient. And from tjme to tjme. in case of eminent dainger hapening or that any person. or persons shall be found mutinous or Incorrigible or notorious Disturbers of the publicque peace to cawse them to be proceeded against and chastized and punished for theire seuerall offences being Souldje^{r}s and vnde^{r} millitary discipline : according to the law martiall and not being Souldjers nor vnde^{r} millitary discipline according to the lawes of this Comon wealth And moreouer Wee doe by theise p^{r}sen^{ts} streightly forbid all and euery person. and persons of what degree. estate or quallitje Soeuer That they nor any of them Doe in any wise p^{r}sume to trade or Intermedle wth y^{e} natives or Savages wthin the Countrjes lands Islands. Territory^{s} seas. and p^{r}ecincts aforesajd by way of trade or Comerce in merchandize or otherwise wthout the speciall license and Consent of the sajd Thomas Temple first had and obteined ; And wee ffurther will and Doe by theise p^{r}sen^{ts} expresly forbid the sajd Thomas Temple that he Doe no^{t} in any wise give license to any Person or Persons so to trade as aforesajd who are no^{t} or shall no^{t} be in Amity wth vs and this Comon Wealth And moreouer If any person or persons. shall trade or goe abou^{t} to trade wthin any the bayes Riuers Lakes Seas or Coasts of the sajd Countrjes or Territorjes wthout the ljcense and Consent̃ of the sajd Thomas Temple as aforesajd Then wee doe heereby. Give full powe^{r} and Authoritje vnto him the sajd Thomas Temple. and any the office^{r}s and Souldjers as he shall Imploy vnde^{r} him the Shipp^{s} Barcques. boates and other Vessells goods and merchandizes of any pe^{r}son or persons. there being and so trading or going about to trade wth the Natives and Savages. aforesajd or any of them contrary to this ou^{r} Com̃and the sajd persons having first Due notice of the same our Comand to seize and take as forfeite and Confiscate and the same to deteyne and keepe and Conve^{r}t to the bennefitt of the for^{ts} ffortifficac̃ons souldiery and other publicque vses there wthout any Accomp^{t} to be Rendered to vs. or ou^{r} Successo^{rs} and wthout̃ any trouble or question for the same by way of Acc̃on or otherwise in New England or elswhere And ffurthe^{r} wee will and by theise p^{r}sen^{ts} Graunt for vs and ou^{r} successo^{rs} that in case of any opposic̃on or Resistance in the p^{r}emisses by any person or persons in hostile or other manner then and so often as It shall so happen It shall and may be lawfull to and for the sajd Thomas Temple and the office^{rs} and Souldje^{r}s marriners and seamen as shall be Imployed. vnde^{r} him to fight wth kill and slay. the persons so opposing or resisting and to seize. take sincke or burne theire shipps. Barcqes boates or Vessells so tradeing or Going about to Trade wth

the natives and Savages aforesajd wthin the Countrjes Seas and Territorjes aforesajd or any of them wthout such licence and Consent as aforesajd And wee doe by theise p^{r}esen^{ts} for vs and ou^{r} Successo^{rs} give and Graun^{t} vnto the sajd Thomas Temple ffull powe^{r} and Authoritje in Case of sicknes. absence or other emergent cause from time to time to make and Ordeyne by writting Vnder his hand and seale any fitt and discreete person his Deputy Leftennant or Gouerno^{r} vnder him And wee heereby also Authorize and Impowe^{r} the sajd Thomas Temple to doe and execute all and euery such further Lawfull Act and Ac^{ts} thing and things as shall or may tend or conduce to the setling and establishing of ou^{r} Gouernmen^{t} in those parts and the Inhabitan^{ts} and people thereof in peace and quietnes, and for Advancing of trade and Comerce there & as shall be found most fitt and necessary and beneficiall for the Honor of vs. and theise nations. and the Good and welfare of ou^{r} people Given vnde^{r} ou^{r} Signett at ou^{r} Palace of Westminster the seventeenth day of Septembe^{r} In the yeare of ou^{r} Lord one thousand Sixe hundred fifty Sixe And Sealed wth His Highness Signett.

Was Endorsed This Copie Conteyning one hundred twenty and one lynes. written on three sheetes of paper each. sheete being written but on one side and Anexed together at the Top wth a seale Doth Verbatim Agree wth y^{e} originall Comission w^{ch} I Doe testify

Johannes Emans No^{t} Pub^{cus}
1657

6 July 1657.

Entred & Recorded in the book of Records for y^{e} County of Suffolke in New England at the request of Capt Thomas Breedon & Agreeth Ve^{r}batim wth the originall Copie aboue Attested as Attests

Edward Rawson Recorde^{r}

LXV.

JURISDICTION OF MASSACHUSETTS EXTENDED OVER LYGONIA, BY THE GENERAL COURT OF MASSACHUSETTS.

October 19/29, 1658.

Sources.

The year following the submission of Kittery to the authority of Massachusetts, Mr. Jonas Clarke and Mr. Samuel Andrews, "both well skild in the mathematticks, having had the com̄and of shipps vppon seuerall vojages," were appointed to take observations in order to determine the northerly bounds of the patent at the sea coast. October 13/23, 1653, they found the required latitude, 43°, 43′, 12″, to cross "a greyish rocke at a high water marke, cleft in the midle . . . the ljne doth runne ouer the northermost pointe of an iland . . . called the Vpper Clapboard Iland, about a quarter of a mile from the majne in Casco Bay, about fower or five miles to the northward of M^r^ Macworth's house."

The inhabitants of the settlements within the extended lines resisted for some time the efforts of Massachusetts to bring them under authority, but ultimately Black Point, Blue Point, Spurwink and Casco Bay (afterwards Falmouth), within the precincts of Lygonia, yielded submission. October 19/29, 1658, the General Court published an order which enlarged the privileges of the county of Yorkshire by providing for a county court at either Saco or Scarborough as well as at York. The jurisdiction which Massachusetts thus assumed over the ancient Province of Maine was continued, except for the short time when the royal commissions established provincial government in 1665, until the final separation in 1820.

The order of the General Court is in "Massachusetts Records," IV., part i., 360-362; "York Deeds," I., folios 78, 79; and Maine Historical Society, "Collections," I., 292-294, where it was first published by William Willis from the York records.

The text adopted is that of the "Massachusetts Records," which is an authentic source.

Text.

Whereas the county of Yorkeshire is large & very remote from Boston, the place where the Generall Courts & councill of this com̄onwealth of the Massachusetts doe vsually assemble, whereby it is more difficult to obtayne the presence & helpe of any of the asistants of the gouernment, as occasion from tjme to tjme doth require, wee, therefore, the com̄issioners of the Generall Court, considering the necessitje of a constant supply till the Generall take further order therein, do graunt & order as followeth: —

1. That, with the consent of the inhabitants of the aforesajd tounes of Scarborow and Falmouth, wee doe constitute & appointe the right trusty Henry Jocelyn, Esq, M^{r} Robert Jordan, M^{r} George Cleaue, M^{r} Henry Watts, & M^{r} Frauncis Neale com̄issioners for the yeare ensuing, invested wth full power, or any three of them, for the trjall of all cawses (wthout a jury) wthin the libertjes of Scarborough & Falmouth not exceeding the value of fiffty pounds, & euery one of the sajd com̄issioners haue graunted them magistraticall power to heare and determine smale causes as other magistrates and asistants haue, whither they be of a civil or criminall nature: any of the sajd com̄issioners may graunt warrants, som̄ons, & executions, if neede require, & haue power to examine offendors, & com̄itt to prison, except bayle be tendered, according to lawe; also, any three of the sajd com̄issioners haue power to impowre millitary officers vnder the degree of a captaine. The sajd com̄issioners are required to enjoyne each toune to procure the booke of lawes; also, any of the sajd com̄issioners haue power to minister oathes, according to lawe, and if they judge

needefull, to binde offendors to the peace & good behaviour, or to solemnize marriage, according to lawe. Any three of the comissioners haue also power to receive in all such persons living wthin our ljne as betweene this present tjme & the last of September shall come in by theire voluntary subscriptions: our meaning is, that they should not be barred from having the priviledges that theire neighbors enjoy by occasion of theire necessary absenc at y^{e} Court.

2. That when County Courts are called, &, through Providence hindering, that there is none of the Asistants present at Yorke or elsewhere, that the sajd county shall still proceed, & the acts thereof shall be valid notwthstanding, the associats of the county, or any three of them at least, being then present.

3. Wee doe order, that the associats chosen for this county, or any three of them, shall haue full power (wthout a jury) to try any such civill actions as shall not exceed the value of sixty pounds.

4. Itt is hereby ordered for the easing of charges & trouble in this county, being so remote from the excersise of authoritje in some considerable cases, that the three comissioners, or more, in each toune in this county, shall haue full power to graunt letters of administration, to receave probats of wills, to order such estates as County Courts haue power to doe in the like cases; provided, when any such acts are putt forth by the three comissioners of Scarborough & Falmouth, M^{r} Henry Jocelyn or M^{r} Robert Jordan are to be one of the three; for Saco & Cape Porpus, Capt Nicholas Shapleigh to be one; for Wells, M^{r} Abraham Preble to be one. Wee doe likewise graunt the toune comissioners of Yorke and Kittery to haue the same power therein; and those particcular gen^{tn}, M^{r} Henry Joselyn, M^{r} Robert Jordan, Capt Nicholas Shapleigh, M^{r} Edward Rushworth, or M^{r} Abraham Preble, or either of them, shall

haue magistratticall power throughout the whole county of Yorkshire for this yeare ensuing, vntill others are chosen & sworne in theire places; and the County Courts from tjme to tjme haue power to graunt & renew licenses for ordinarys for selling of wine & strong water, & for keeping of houses entertajnment, according to lawe.

5. And whereas henceforth there will be neede of more associats for County Courts then formerly, wee doe giue power & order, that there shall be fiue chosen yearely, whereas there were but three before, and that they may keepe a County Court at Saco or Scarborough, as at Yorke, in the moneth of September yerely, provided that the day and place be agreed on vnder the hand of three of the associates at least, signified to the recorder of the county, so that he may giue due notice thereof vnto the seuerall tounes sixe weekes before the sajd Court at the least.

Signed,

SAMUELL SYMONDS,
THO: WIGGIN,
EDW: RISHWORTH.

The Court, having pvsed this retourne of the comissioners appointed to setle y^e gouernment in y^e eastern parts, doe approove thereof, & thankefully accept theire pajnes & endeavors therein, & order it shall be recorded, & the bill of charges, w^{ch} is on file, & amounts to forty fower pounds fourteene shillings & eight pence, be sattisfied by the Tresurer.

LXVI.

PATENT CONSTITUTING A COUNCIL FOR TRADE, BY CHARLES II. OF ENGLAND.

NOVEMBER 7/17, 1660.

Sources.

By letters patent issued November 7/17, 1660, his majesty, Charles II., created a Council for Trade; December 1/11 a new patent was issued with especial reference to foreign plantations. At a meeting of the Council for Foreign Plantations the following March a committee was appointed under royal commission to visit the colonies. One result of the commission was the grant of 1664 to the Duke of York. Commissions were reissued at different dates until December 21/31, 1674, when the council was dissolved by royal decree, and all affairs of plantations were referred to a committee of the Privy Council.

Commercial interests were so important a factor in all relations between England and other countries as well as her colonies that the first of this series of patents is printed to illustrate the policy by which her ascendency was gained.

The original patent is in the "Trade Papers, State Paper Office," XV., 12, now in the Public Record Office, London. From this source it was transcribed for Edmund Bailey O'Callaghan, editor, "Documents Relative to the Colonial History of the State of New York" (Albany, 1853), III., 30–32, which is the text adopted.

Text.

CHARLES the Second by the Grace of God, of England Scotland France and Ireland King, Defender of the Faith &c. Whereas by the good providence of God wee and our kingdomes are restored to peace and settlement after the unhappy revolutions of many yeares, wherein the greatest concernment of our Crowne and of our good people have many wayes suffered, and whereby evills and inconveniences have growne upp, especially in matters of trade manufactures and navigation, in w^ch^ these kingdomes have been famous in all ages; Wee have taken into our princely consideracôn the present state of affayres in relacôn to the trade and cômerce of our owne kingdomes aswell as of other Nations & Governments, well weighing how considerable a part of our Crowne and Government doth arise from forraigne & domestick trade, and that they are the cheife imployment and maintenance of our people; Nature by a happie scituation and by a bountifull accomodacôn of ports and other extraordinary assistances having easily given us many eminent advantages above other nations. Wee therefore resolve upon most mature deliberation by all wayes possible to restore and advance the honour and interests of our severall dominions and to give the utmost encouragement and meanes to the industrie invencôn and adventure of all our lovinge subjectes, and to those good ends and purposes wee shall not only bend our earnest affections and consultations in our owne royall person, wee havinge had many extraordinary opertunities to informe ourselfe in matters of this nature, but shall very effectually recômend them to our Privie Councell and all our Ministers of State, that in all treaties and leagues with forraigne Princes and allies the securitie and prosperitie of trade and cômerce shall be tenderly considered and provided for. And because every mistery or difficultye may bee the more easily discerned and encountered, and that every interest may bee righted, wee have thought fitt to erect and establish a COUNSELL of TRADE consisting of the persons hereafter named, who being diversly quallified and fitted thereunto, will wee doubt not consult and propose such things as may tend to the rectifying those errors which the corruption of late tymes have introduced. IT IS THEREFORE our will and pleasure and wee doe hereby of our especiall grace certyne knowledge and mere motion, authorize appoint constitute and ordayne our right trustie and right welbeloved Councellor Edward Lord Hide Lord Chancellor of England, our right trustie and right welbeloved Cousin and Councellor Thomas Earle of Southampton Lord Treasurer of England [and others] . . . to bee a standing Councell of Trade, to take into their consideracôn the Trade & Navigacôn of this kingdome, and what manner and by what ways and meanes the same may be encouraged regulated & improved, and they are hereby authorized to receave and prosecute all such propositions and overture for the regulacôn and benefitt of Trade and Navigacôn as shalbe offered to them by any other person or persons, and to view all such books records or other writings of publique use as they shall hold necessary for their better information and to send for any person or persons whom they shall think to bee of experience and abilitye or otherwise capable to bee advised with in any thing that tends to the prosecution of this our Cômission. And wee hereby require all officers and ministers whatsoever or any other of our lovinge subjectes who shalbee desired or shall receave any order or other summons from the said Councell of Trade, soe constituted by us, to advise or otherwise informe or assist the sayd Councell for the better understandinge and discovery of the matters cômitted to their care, enquirie, and prudence, that every such person or persons doe yield a ready conformitie thereunto as they tender our displeasure for their disobedience unto us and the authoritie derived from us. And when the said Councell shall have drawne their consultacôns and debates into any resolution or proposition w^{ch} they shall judge to bee for the regulacôn and advancement of trade manufactures navigacôn or any other publique good relateing thereunto, they may and are hereby directed and required to p^{r}sent and certifie the same their opinion and advice to us for our fu[r]ther consideracôn and determinacôn. AND because soe good and laudable service may the more effectually be carried on, Wee doe hereby authorize our said Comm^{rs} to nominate and appoint such a Secretary, Clarks, Messengers or other usefull attendants and to pay unto every such person as they the sayd Councell shall assigne thereunto out of our Exchequer by warrant from our High Treasurer for the time beinge, such reasonable sallaries or allowances as to them shall seeme meet and expedient. PROVIDED that all such payments or other incident charges relateing to the sayd Councell or the service thereof, shall not in the whole exceed the summe of one thousand pounds yearely. AND wee doe hereby further require the sayd Cômissioners to meet and sitt at Mercer's Hall in our Cittie of London on Thursday the eight day of this instant November, and wee doe give them power to adjourne to any other place that shall to them appeare to be more convenient. AND wee doe lastly appoint and ordaine that the persons above named or any seaven of them shalbe a sufficient quorum to all the intents and purposes of this our cômission and the instruccôns therein conteyned, or w^{ch} are annexed thereunto, or any further instruccôns w^{ch} shall from tyme to tyme be given to them by us. IN WITNESS whereof wee have caused these our letters to be made patents; Witness Our selfe att Westminister the seaventh day of November in the Twelveth yeare of our raigne.

[1660.] P^{r} ipsum Regem,
BARKER.

LXVII.

INDENTURE FOR THE PURCHASE OF LANDS ON THE KENNEBEC RIVER, BY THE GENERAL COURT OF PLYMOUTH.

OCTOBER 27/NOVEMBER 6, 1661.

Sources.

The original indenture made between the "General Court for the Jurisdiction of Plymouth" and Antipas Boyes and others, October 27/November 6, 1661, is in the possession of the Maine Historical Society. The parchment is still inclosed in the original leaden case, which is still further protected by the leather cover which has so long preserved the document in perfect condition. An early transcript from the "Ancient Records of Plymouth Colony," is among the manuscripts in the British Museum, "New England Papers," folio 14.

Although the deed was executed in 1661, it was not delivered until June 15/25, 1665, and was not recorded at York until October 22/November 1, 1719. It is found in "York Deeds," IX., folios 226-228. In 1753 owners of shares in the patent were incorporated under the name of "The Proprietors of the Kennebec Purchase of the Late Colony of New Plymouth," more familiarly known as the "Kennebec Company." The records of the "Proprietors," which have been carefully indexed by Rev. Edward Ballard, are in the archives of the Maine Historical Society.

The text adopted is that printed in "York Deeds."

Text.

This Indenture of y^e Twenty Seventh day of Octob^r Anno Domini One thousand Six hundred Sixty & One made between y^e General Court for y^e Jurisdiction of Plymouth in NewEngland in America in the behalfe of y^e s^d Collony on y^e One p^t And Antipas Boys Edw^d Tynge Thomas Brattle And John Winslow of y^e Town of Boston in the County of Suffolk in y^e Jurisdiction of y^e Massachusets in New

England Afores^{d} Merch^{ts} on y^{e} Other part Witnesseth that Whereas our Late Soveraign Lord King James for y^{e} Advancem^{t} of A Collony & plantation in this Country Called or known by y^{e} Name of New England in America by his highness letters Pattents under y^{e} Great Seal of England bareing date At Westminster y^{e} third day of Novemb^{r} in y^{e} Eighteenth year of his highness reign of England &c did give grant & Confirm unto y^{e} R^{t} Hon^{ble} Lodowick L^{d} Duke of Lenox George Late L^{d} Marquess of Buckingham James Marquess Hambleton Thomas Earle of Arundel Robert Earle of Warrwick S^{r} fferdinando Gorges Knight And divers others whose Names Are Expressed in y^{e} s^{d} Letters Pattents & their Successo^{r} that they should be One body polotick & Corporate perpetually Consisting of forty psons &c^{a} And further Also of his Special Grace Certaine Knowledge & Meer Notion did give grant & Confirm unto y^{e} s^{d} president & Council And their Successors forever und^{r} the reservations Limitations & Declarations in y^{e} s^{d} Letters pattents Expressed all that part & portion of y^{e} s^{d} Country Now Called New England in America &c^{a} Together Also with all y^{e} firm land Soyles grounds &c As by y^{e} s^{d} Letters Pattents doth more Largely Appear. whereupon y^{e} s^{d} Councill by vertue & Authority of y^{e} s^{d} Late Maj^{tys} Letter Pattents And for & in Consideration that William Bradford And his Associates for this Nine years have lived in New England Afores^{d} And have there Inhabited & planted a Town Called by y^{e} Name of New plymouth at their own proper Cost & Charges &c And upon other Considerations As is more Largely Expressed in a deed under y^{e} s^{d} Councills Seale bareing date y^{e} thirteenth day of Jan^{ry} in y^{e} fifth year of y^{e} reign of Our Late Soveraign Lord Charles y^{e} first by y^{e} grace of God King of England Scotland france & Ireland Defender of y^{e} faith &c^{a} Annoq; Domini 1629 Have given granted bargained & Sold Enfeoffed Aliened

Assigned and Set over unto y^e s^d W^m Bradford his heirs Associates & Assigns All that Tract or Tracts of Land that by within or between a Certaine river or rundlet there Comonly Called Cohasset or Conahasset towards y^e North & y^e river Com̄only Called Narraganset Towards y^e South as by y^e s^d Charter may more fully Appear And whereas y^e s^d Councill in Consideration that y^e s^d W^m Bradford & his Associats have no Convenient place Either of Trading or ffishing within their own prescints whereby after So long a Travell and great pains So hopefull a plantation may Subsist As Also that they may be Encouraged y^e better to proceed in So Pious a work w^{ch} may Especially Tend to y^e propagation of religeon & y^e Great Increase of trade to his Maj^{tys} realms & Advancem^t of y^e Publick plantation did give grant bargaine Sell Enfeoffe Allott Assigne & Set over unto y^e s^d W^m Bradford his heirs Associates & Assigns All that tract of land or part of New England in America afores^d which lyeth within or between And Extendeth its Selfe from y^e utmost Limits of Cobbaseconte Al^s Conaseconte which Adjoyneth to y^e river of Kenebeck Al^s Kenebeckick Towards y^e Western Ocean & a place Called y^e falls At Nequamkick in America Afores^d And y^e Space of fifteen English miles on both Sides s^d river Com̄only Called Kenebeck river And All y^e s^d river Called Kenebeck river that lyeth within y^e s^d Limits & bounds Eastward Westward Northward and Southward & All lands grounds Soyles rivers tradeing ffishing heridttm^{ts} & profits whatsoever Scittuate lying & being Ariseing happening or Accrewing or which shall happen or Accrew in or within y^e s^d Limits or bounds or Either of them Together with free Ingress Egress & regress with their Boats Shallops & other vessells from y^e Sea Com̄only Called y^e Western Ocean to y^e s^d river Called Kenebeck & from y^e s^d river to y^e s^d Western Ocean./ Hereupon y^e s^d Court & Collony of New plymouth by vertue & Authority of y^e s^d deed granted to them by y^{e} Councill Afores^{d} for & in Consideration of y^{e} Sum̄ of four hundred pounds Starling to us in hand paid by y^{e} s^{d} Antipas Boyes Edw^{d} Tynge Thomas Brattle & John Winslow Wherewith we do Acknowledge Our Selves Satisfied Contented & fully paid & thereof & of Every part & parcell thereof Exonerate Acquit and discharge y^{e} Afores^{d} Antipas Boyes Edw^{d} Tying Thomas Brattle & John Winslow them their heirs Ex^{rs} Adm^{rs} & Assigns forever by these presents Have freely & Absolutely bargained Alienated and Sold Enfeoffed & Confirmed And by these p^{r}sents do bargaine Sell Enfeoffe & Confirm from us y^{e} s^{d} Collony & Our heirs to them y^{e} s^{d} Antipas Boyes Edw^{d} Tynge Thomas Brattle & John Winslow & their heirs & Assigns forever All those our lands lying & being in y^{e} river of Kenebeck bounded As followeth viz^{t} All that our Tract of Land in America which Lyeth in or between & Extendeth from y^{e} Utmost bounds of Cobbaseconte Al^{s} Comaseconte which Adjoyneth to y^{e} river of Kenebeck Al^{s} Kenebeckick towards y^{e} Western Ocean And a place Called y^{e} falls in Nequamkick in America Afores^{d} And y^{e} Space of fifteen English Miles on both Sides y^{e} s^{d} river Comonly Called Kenebeck river And all y^{e} s^{d} river Called Kenebeck river that lyeth within y^{e} s^{d} Limits & bounds Eastward Westward Northward & Southward & Also All land grounds Soyles rivers Tradeing ffishing heriditam^{ts} & profits whatsoever Scittuate lying & being Ariseing hapeñing or Acrewing or which shall hapēn or Accrew in or within y^{e} s^{d} Limits or bounds Together with free Ingress Egress & regress with Ships boats Shallops or other vessells from y^{e} Sea Cōmonly Called y^{e} Western Ocean to y^{e} s^{d} river Called Kenebeck & from y^{e} s^{d} river to y^{e} s^{d} Western Ocean As Also All y^{e} lands on both Sides y^{e} s^{d} river from Cushena upwards to Weserunscut bought by us of Munguin Al^{s} Matahameada As Appears by a deed bareing date Augst y^{e}

Eighth One thousand Six hundred forty & Eight And Consented unto by Essemenosque Agadodemagus & Tassuck Chief men of y^{e} place & proprietors thereof To Have & To Hold y^{e} Afores^{d} lands lying & being in y^{e} river of Kenebeck bounded as afores^{d} And Also y^{e} Afores^{d} Lands on both Sides y^{e} s^{d} river from Cushena upwards to Weserunscut Together with All y^{e} grounds Soyles rivers tradeing fishing heriditam^{ts} & profits benefits & Priviledges thereunto belonging or Accrewing or which Shall hapen or Accrew in or within y^{e} s^{d} Limits or bounds or Either of them to y^{e} s^{d} Antipas Boyes Edw^{d} Tynge Thomas Brattle & John Winslow to them & their heirs & Assigns forever thes^{d} premisses with All our s^{d} lawfull right in y^{e} lands Abovementioned Either by Purchase or pattent with All & Singular y^{e} Appurtenances priviledges And Imunitys thereunto belonging to Appurtaine to them y^{e} s^{d} Antipas Boyes Edw^{d} Tynge Thomas Brattle & John Winslow to them & Every of them their & Every of their heirs & Assigns forever to be holden of his Maj^{ty} his Mañor of East Greenewick in y^{e} County of Kent in free And Com̃on Soccage And not in Capite Nor by Knights Service by y^{e} rents & Services thereof & thereby due & of right Accustomed Warranting y^{e} Sale thereof Against All People whatsoever that from us or und^{r} us y^{e} s^{d} Collony of New Plymouth or by our Lawfull right & Title might Claime Any right & Title thereunto/ To and for y^{e} performance of y^{e} premisses We have hereunto Affixed y^{e} Seal of Our Governm^{t} this Twenty Seventh of Octob^{r} One thousand Six hundred Sixty And One

Tho Prince Governo^{r}

Signed Sealed & Delivered the ffifteenth day of June Anno Dom̃. 1665

[L. S.]

This Deed is Recorded According to Order p me Nath^{l} Morton Secr^{y} of the Court for y^{e} Jurisdiction of New Plymouth

Recorded According to y^{e} Original Octob^{r} 22^{d} 1719.

p Jos : Ham̄ond Reg^{r}

LXVIII.

COMMISSION TO FRANCIS CHAMPERNOON AND OTHERS, BY FERDINANDO GORGES.

$\substack{\text{JUNE } 21\\ \text{JULY } 1}$, 1664

Sources.

The commission to Francis Champernoon and others, $\substack{\text{June } 21\\ \text{July } 1}$, 1664, was an attempt by Ferdinando Gorges to restore the government of the Province of Maine according to its ancient prerogatives. Besides Francis Champernoon, whose name stands first on the commission, there were twelve other " loving friends," " inhabitants and residents" of the Province, to be associated with him as deputies and commissioners. The names of many of these have become well known from their connection with territorial history; one of them, John Archdale, who was for one year the deputy of his brother-in-law, Ferdinando Gorges, a few years later was governor of South Carolina.

The commission, with instructions, is among the ancient records at York. It is printed by James Phinney Baxter, editor, " Sir Ferdinando Gorges and his Province of Maine" (Prince Society, 1890), III., 303–306; instructions, *ibid*, 306–315.

The commission is reprinted in this collection from Mr. Baxter's text.

Text.

To all Christian People to whom these Presents shall come I Ferdinando Gorges of the City of Westm^{r} Lord Proprietor of the Province of Mayne in New England in America send Greeting. Whereas our late Sovereign King Charles the First of blessed memory by his Charter Royall under the Great Seal of England bearing Date the Third Day of Aprill in the Fifteenth Year of his Reign did grant & confirme unto S^{r} Ferdinando Gorges Knight Dec^{d} & unto his Heirs & Assigns for ever all that Part & Portion of Land in New England in America which by the s^{d} Letters Patents is bounded by the Rivers of Pascataway & Sagadahok the s^{d} Rivers being included with the Extent of One Hundred and Twenty Miles up into the Main Land with severall Islands adjacent to the s^{d} main Land & the Rivers & Shores thereof as also the Islands of Capawick & Nantican near Cape Codd w^{ch} Island of Capawick is since called Martins Vineyard all w^{ch} Premisses are by the s^{d} Charter Royall entituled the Province of Mayne in New England in America, and by ye same Charters are not only granted the Fee of the s^{d} Lands to the s^{d} S^{r} Ferdinando Gorges his Heirs & assigns for ever, But also the perpetuall Government thereof saving only the Faith & Allegiance to the Crowne of England by w^{ch} Charter is also granted to the s^{d} S^{r} Ferdinando Gorges, all the Powers, Rights, Franchisses, Immunities, Royalties & Priviledges w^{ch} of Right apperteyne & are enjoyed or ought to be enjoyed by the Bishop of Duresme in the County Palatine of Duresme: with severall other Royalties Priviledges & Immunities in such large & ample Manner as gave Testimony of a singular Favour in his s^{d} Majestie to the s^{d} S^{r} Ferdinando Gorges as by the s^{d} Charter Respect being thereunto had may & doth at Large appear.

And whereas upon the Decease of the s^{d} S^{r} Ferdinando Gorges the Right, Tytle & Interest of the s^{d} Province did lawfully descend & come unto John Gorges Esq^{r} Eldest Sonne & Heire of the s^{d} S^{r} Ferdinando Gorges. And whereas upon the Decease of the s^{d} John Gorges the Right

Title & Interest to the s^{d} Province did lawfully descend and come unto me the s^{d} Ferdinando Gorges only Son & Heire of the s^{d} John Gorges. Now Know yee that I the s^{d} Ferdinando Gorges reposing Trust & Confidence in my loving Friends Capt. Francis Champernoon neer Braboat Harbour, Henry Josslin of Black Point, John Archdale, Robert Jordan of Spurwinck, Thomas Purchas of Pegipscott, Francis Neale of Casco Bay, Francis Hooke of Saco, Henry Watts of Blew Point, Edward Rishworth of Gorgiana, Joseph Bowles of Wells, Francis Raynes near Braboat Harbour, Robert Cutts of Kittery & Thomas Withers of Pascataway Gentlement all Inhabitants & Residents within the s^{d} Province have constituted & appointed & by these Presents do constitute & appoint them the s^{d} Capt. Fran. Champernoon Hen. Josslin John Archedale Robt. Jordan Tho. Purchas Fran. Neale Francis Hooke Hen. Watts Edw. Rishworth Jos. Bowles Fran. Raynes Robt Cutts & Tho. Withers to be during my Will & Pleasure my Deputies & Comissioners for the Government of the s^{d} Province hereby empowering them or the maj^{r} Part of them, or the Major Part of the Survivors of them to do & execute all such Authorities & Powers as by ye s^{d} Letters Patents are to be done & executed by my Lieutenant or Lieutenants Deputie or Deputies.

Provided that in all such their Actings they proceed according to the Charter aforementioned, & the Instructions herewith sent & by me signed & sealed & according to such further Instructions as they shall from Time to Time receive from me, hereby ratifying & confirming all w^{ch} shall be lawfully done by my s^{d} Deputies or Comissioners in Pursuance of this my Authoritie. Provided alwaies & my Intent & Meaning is that as soon as any other Comission being hereafter signed & sealed by me my Heirs or Assignes shall arrive & be publickly declared in the said Province that then this Comission shall cease & be noe further acted upon.

But all the Authoritie herein granted to cease & the supream Authoritie & Government of the s^{d} Province under me to devolve upon such Persons as shall by such new Comission be thereunto appointed.

Given under my Seal this One and Twentieth Day of June in ye Sixteenth year of our Sovereign Lord Charles the Second by the Grace of God King of England, Scotland France & Ireland Defender of the Faith &c Annoq Dom. 1664 . . .

[Instructions follow.]

FERDINANDO GORGES

The Reliks of a seal appending
on a Label in a Tinn Box.

A true Copy of a Commission from Ferdinando Gorges late Lord Proprietor of the late Province of Main & of the Instructions thereto annexed (except a few Words obliterated).

Received July 5, 1733.

Attest JOSEPH MOODY, *Reg*^{r}

LXIX.

EXTRACTS FROM THE GRANT OF PEMAQUID TO JAMES, DUKE OF YORK, BY CHARLES II., OF ENGLAND.

MARCH 12/22, 1664/5.

Sources.

The grant to James, Duke of York, by Charles II., March 12/22, 1664/5, included the disputed portion from the St. Croix to the Kennebec, with the territory around the head waters of those rivers. When Henry, fourth Earl of Stirling, conveyed Long Island to the Duke of York in 1663, the principal negotiator was the Earl of Clarendon, whose daughter the Duke of York had married. It is believed that in transcribing the bounds from the charter of Alexander, which had been lent for that purpose, the earl included the description of the St. Croix and the Pemaquid country, thereby securing to his son-in-law a title to territory in Maine. Brodhead (" History of New York," II., 17) says that this instrument was the " most impudent ever recorded in the colonial archives of England."

The petition of William, Earl of Stirling, and other heirs-at-law of Henry the last Earl of Stirling, in 1760, for the restitution of the " County of Canada," throws some light on the history of the " Duke's Territory." This petition is in Massachusetts Historical Society, " Collections," 1st Series, VI., 186-189.

The original patent marked " Patent Roll, 16 Car., II., Part 8, No. 6," is in the Public Record Office, London. The parchment duplicate, which was given to the Duke of York as evidence of his title, is in the State Library at Albany, and the original record is in the office of the secretary of state of New York " New York Book of Patents," I., 109. Full copies are in the " Report of the Regents of the University on the Boundaries of the State of New York" (Albany, 1874), I., 10-21; and an abstract of the original parchment in the Record Office is in W. Noel Sainsbury, editor, " Calendar of State Papers," Colonial Series, 1661-1668, 191, 192.

The text is found entire in Leaming and Spicer, " The Grants, Concessions, and Original Constitutions of the Province of New Jersey" (Philadelphia, 1752), 3-8: John Romeyn Brodhead, " History of the State of New York" (New York, 1853), II., 651, 652; Edmund Bailey O'Callaghan, editor, " Documents Relative to the Colonial History of the State of New York" (Albany, 1858), II., 295-298; and Ben: Perley Poore, " The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States" (Washington, 1877), 783-785. A copy from the " New York Book of Patents" is in a " Statement on the Part of the United States, of the Case Referred, in Pursuance of the Convention of 1827 . . ." (printed but not published, Washington, 1829), Appendix XII., 100-103. An early manuscript copy of the grant is in "Massachusetts Archives," III., 303; it is printed by James Phinney Baxter, editor, "Baxter Manuscripts," Maine Historical Society, "Documentary Series," IV., 190-195.

The text adopted for extracts relating to Pemaquid is that of the "Regent's Report," 10-20 (left-hand pages only), which is a copy of the duplicate charter.

Text.

CHARLES THE SECOND BY THE GRACE of God King of England Scotland ffrance and Ireland defender of the ffaith etc To ALL to whome these presents shall come Greeting KNOW YEE that wee for divers good Causes and Consideracons us thereunto moveing HAVE of our especiall grace certaine knowledge and meere mocon given and Graunted And by these presents for us our heires and Successors DOE give and Graunt unto our dearest Brother James Duke of Yorke his heires and Assignes ALL that part of the Mayne land of New England begining att a certaine Place called or knowne by the name of S^t^ Croix next adioyneing to New Scotland in America and from thence extending along the Sea Coast unto a certaine Place called Petuaquine or Pemaquid and (soe) upp the River thereof to the furthest head of the same as itt tendeth Northwards and extending from thence to the River of Kinebequi and soe upwards by the shortest course to the River Cannada Northward And alsoe all that Island or Islands comonly called by the severall name or names of Matowacks or Long Island scituate lyeing and being towards the west of Cape Codd and the Narro Higansetts abutting upon the Mayne land betweene the twoe Rivers there called or knowne by the severall names of Conectecutte and Hudsons River Together alsoe with the said River called Hudsons River and all the land from the west side of Connectecutte River to the East side of De la Ware Bay And alsoe all those severall Islands called or knowne by the names of

Martin Vinyards and Nantukes otherwise Nantukett Together with all the lands Islands Soyles Rivers Harbours Mynes Mineralls Quarries Woods Marishes Waters Lakes ffishings hawking hunting and ffowleing and all other Royalties proffitts Comodities and hereditaments to the said severall Islands lands and premisses belonging and apperteineing with their and every of their appurtenncs And all our Estate right title interest benefitt advantage Clayme and demaund of in or (to) the said lands and premisses or any part or parcell thereof And the Revercon and Revercons Remaynder and Remaynders together with the yearely and other the Rents Revenues and proffitts of all and singuler the said premisses and of every part and parcel thereof To have and to hold . . . In Wittnes whereof Wee have caused these our Letters to bee made Patents Wittnes our Selfe att Westminster the Twelveth day of March in the Sixteenth yeare of our Raigne

By the King Howard

LXX.

REPORT IN FAVOR OF PROVINCIAL GOVERNMENT IN MAINE, BY THE KING'S COMMISSIONERS.

$^{\text{June }23}_{\text{July }3}$, 1665.

Sources.

The report of the "Kings Comissione^{rs} for Setling the affaires In New England," $^{\text{June }23}_{\text{July }3}$, 1665, is in the Public Record Office, London; an abstract is published by W. Noel Sainsbury, editor, "Calendar of State Papers," Colonial Series, 1661-1668, page 306. A transcript from the original report is in "Massachusetts Archives," III., and is printed in "Records of the Governor and Company of the Massachusetts Bay in New England," IV., part ii., 249-251. It has also been printed by William D. Williamson, "History of the State of Maine" (Hallowell, 1832), I., 416, 417; and by James Phinney Baxter, editor, "Baxter Manuscripts," Maine Historical Society, "Documentary Series," IV., 202-205.

Important documents, including the royal commission issued $^{\text{April } 30}_{\text{May } 10}$, 1664, are found in Edmund Bailey O'Callaghan, editor, "Documents Relative to the Colonial History of the State of New York" (Albany, 1853), III.; Thomas Hutchinson, "A Collection of Original Papers Relative to the History of the Colony of Massachusets-Bay" (Boston, 1769); and in Sainsbury's "Calendar of State Papers."

In accordance with the report of the commissioners, all the country west of the Sagadahoc, which included western Maine and Lygonia, was brought under a provincial government independent of the jurisdiction either of Massachusetts or of the Gorges faction.

The text adopted is that of the "Baxter Manuscripts."

Text.

Wee having seene the seuerall Charters granted to S^{r} fferdinando Gorges & to the corporation of the Massachusets bay, & having receaved Seuerall petitions from the Inhabitants of the Province of Maine, which is layd claime vnto both by the heires of the said S^{r} fferdinando Gorges, & the said Corporation; In which petitions they desire to be taken into his Majesties imediate protection, & government, having considered that it would be of Ill consequence, if the Inhabitants of this Province should be seduced by those of the Massachusets bay, who haue already by Sound of Trumpet denyed to submitt themselues to his Majesties authority, which by Com̄ission vnder his great Seale of England he hath been pleased to entrust us with, looking vpon themselues as the Supreame Power in these parts, contrary to their alleagiances & derogatory to his Majesties Soueraignty, & being desirous that the Inhabitants of this Province may be at peace among themselves, & free from the contests of othe^{r}s, & the Inconveniencies which thence must neceassrily ensue, to the end they may be so; wee by the power given us by his sacred Majesty vnder the great seale of England, doe by these presents receive all his Majesties good subjects living within the Province of Maine, into his Majesties more Imediate protection & Gouernment, And by the same power & to the end this province may be well Gouernned, wee doe hereby nominate & constitute, m^r Fran: Champernoone, & m^r Robert Cutt of Kittery, m^r Edward Johnson, & m^r Edward Rishworth of yorke m^r Samuell Whelewright of Wells, m^r ffran: Hooke, & m^r William Phillips of Sacoe; m^r George Munjoy of Casco, m^r Henry Jocelyņ of ƀla: point m^r Robert Jordan of Richemond Island, & m^r John Wincoll Newgewanacke, Justices of the peace.

And wee desire, and in his Majesties name require them & euery of them to execute the office of a Justice of peace within the Province of Maine, And wee heereby Authorize & Impoure m^r Henry Josslin, & m^r Edward Rishworth Recor or either of them, to administer the oath vnderwritten; (which themselves haue taken before vs to all the forenamed Gentlemen, who haue not taken it, before they shall act as Justices of y^e peace :/

And wee hereby give power & authority to any three, or more of the aboue named Justices of the peace, to meete at Convenient times & places, as heretofore other magistrates haue mett, or as they shall see most convenient & there to heare & determine all causes both civil & criminall, to order all the affaires of this said Province, for the peace, safety & defence thereof, proceeding in all cases according to the lawes of England, as neare as may be & thus to doe vntil his Majesty will please to Appoint another government.

And In his Majesties name wee require & com̃and all the Inhabitants of this province to yield obedience to the said Justices, acting according to the law of England as neare as may be.

And In his Majesties name wee forbid as well the Comissione^{rs} of m^{r} Gorges, as the Corporation of the Massachusets bay, to molest any of the Inhabitants of this Province wth their pretences, or to execute any Authority within this Province vntill his Majesties pleasure be further knowne, by virtue of their p^{r}tended rights.

Given vnde^{r} ou^{r} hands & seales at Yorke within the said Province the 23^{d} Day of June in the seventeenth yeare of the Reigne of our Soverraigne Lord Charles the 2nd by the grace of God King of England Scotland France & Ireland in the yeare of our Lord God 1665

Wee also desire all who lay claime to any land in this Province by Paten^{ts} to haue them forth comeing by this time twelve month.//

Rob^{r}t Carr
George Cartwright
Samuell Mauericke

You shall sweare, that as Justice of the peace in the Province of Mayne, yow shall doe oequall right to the poore & rich: after the Lawes & Customes of England, according to your Cunning, witt & power, & you shall not be of any quarrell hanging before you, you shall not let for gyft or other cause but well & truly you shall doe your office of Justice of the peace, So help you God &c

Robe^{r}t Carr
George Cartwright
Samuell Mauericke

A true Copy of this com̄ission & oath aboue written transcribed out of the originall & therewith Compared this 4th day of June: 1665 [1]

ꝑ Edw. Rishworth Re: cor:

---

[1] Against this paragraph as printed in the "Massachusetts Records" is the following note:

"Surely it was intended y^{e} 24th or 4 July, in w^{ch} act of y^{e} commission^{rs} it is considerable."

LXXI.

ABSTRACT OF THE TREATY OF BREDA, BETWEEN CHARLES II. OF ENGLAND AND LOUIS XIV. OF FRANCE.

JULY 21/31, 1667.

Sources.

By the treaty made at Breda, July 21/31, 1667, between Charles II. of England and Louis XIV. of France, Acadia was resigned to France, and all claims which Cromwell had established on the basis of royal charters to Sir William Alexander were extinguished. February 17/27, 1667/8, Charles II. issued a proclamation by which Pentagoet, St. John, Port Royal, La Have, and Cape Sable were released in favor of France, according to the treaty of Breda. Notwithstanding the royal proclamation, however, Colonel Temple still retained possession of the country until the following year, when the king issued an order to him for the surrender of Acadia. Thereupon, July 7/17, 1670, Colonel Temple, "by reason of present sickness of Body upon myself," gave a command to Captain Walker for the restitution to France of all the country of Acadia.

There are numerous texts of this treaty. In 1667 it was deposited at the Hague, both in Latin and in Dutch. In French it is in Jean Dumont, "Corps Universel Diplomatique du Droit des Gens" (Amsterdam, 1731), VII., part i., 40-42, and is reprinted in "Mémoires des Commissaires du Roi et de ceux de sa Majesté Britannique, sur les Possessions et les Droits Respectifs des deux Couronnes en Amérique" (Paris, 1755), II., 32-39. It was published in English in "A General Collection of Treatys, Declarations of War, Manifestos, and Other Publick Papers, Relating to Peace and War" (London, 1732), 127-134; an abstract is in "A Collection of Treaties of Peace and Commerce, Containing all those that have been Concluded from the Peace of Munster, inclusive to this time" (London, 1714), 101, 102; and another is in Charles Jenkinson "A Collection of all the Treaties of Peace, Alliance and Commerce Between

Great Britain and Other Powers, from . . . 1648 to . . . 1783" (London, 1785), I., 186, 187.

The text adopted is that of Jenkinson, who used an authentic translation.

Text.

I. THERE shall be a sincere, perpetual and universal peace between the most Christian King, and the King of Great Britain, and their subjects.

II. All hostilities, &c. to cease.

III. All injuries and damages done shall be forgot.

IV. Navigation and commerce shall be as free as before the late war.

V. All prisoners on both sides shall be released without ransom.

VI. All edicts published by either party, during the war, to the prejudice of the other shall be void.

VII. The most Christian King shall restore to that part of the island of St. Christopher which the English were possessed of before the war.

VIII. If the subjects of Great Britain have sold any estates there, they shall not be restored to them without returning the purchase money.

IX. If the subjects of France should have been expelled the island of St. Christopher before or after the signing of this treaty, they shall be restored as before the war.

X. The King of Great Britain shall restore to his most Christian Majesty the country of Acadia in North America.

XI. If any of the inhabitants of Acadia had rather live under the dominion of the King of Great Britain, they shall have liberty to depart and sell their effects.

XII. The most Christian King shall restore to the King of Great Britain the islands of Antegoa and Montserrat if in his possession, and all others conquered by him since the war; and the King of Great Britain shall in like manner restore all that may have been taken by his arms from the most Christian King.

XIII. Slaves taken from the English being willing to return, shall be permitted; but if sold, not without refunding the money.

XIV. Subjects of Great Britain serving the French for wages, shall also have liberty to depart.

XV. What is concluded and agreed on concerning the islands above-named, is to be understood of all other places on both sides.

XVI. All letters of mart and reprisals already granted shall be void, and no more granted for the future.

XVII. All ships taken on either side to remain in the possession of the captors, provided it be within twelve days after the signing of this treaty in the neighbouring seas, six weeks in the seas as far as cape St. Vincent, and six months beyond the line.

XVIII. If any new war should break out, the term of six months shall be allowed the subjects on both sides to withdraw themselves and their effects.

XIX. All those who shall be nominated on both sides within six months after the ratification, to be admitted to this treaty.

XX. The ratifications shall be exchanged within four weeks after signing.

LXXII.

EXTRACTS FROM THE PEACE OF BREDA, BETWEEN CHARLES II. OF ENGLAND AND THE STATES GENERAL OF THE UNITED NETHERLANDS.

July 21/31, 1667.

Sources.

The "peace" between England and Holland was another of the treaties concluded at Breda, July 21/31, 1667. The terms of the peace arranged by Charles II. of England and the States General were on the basis of mutual restitution of all places taken during the late war. Thus, not only was the "Duke's Territory" of New York again in the hands of its former owners, the Dutch, but western Sagadahoc was for a time without any organized government.

The treaty was published "by authority" in England in 1686, and from that source extracts have been reprinted by George Chalmers, "A Collection of Treaties between Great Britain and Other Powers" (London, 1790), I., 133-150. In Latin, it is in Jean Dumont, "Corps Universel Diplomatique du Droit des gens" (Amsterdam, 1731), VII., part i., 44-53.

This reprint follows the text of Chalmers.

Text.

I. FIRST, that from this day there be a true, firm, and inviolable peace, sincere friendship, a nearer and straiter alliance and union between the Most Serene King of Great Britain, and the High and Mighty States General of the United Provinces of the Netherlands, and the lands, countries, and cities under the obedience of both parties, wheresoever situate, and their subjects and inhabitants, of what degree soever they be.

II. Also, that for the time to come, all enmities, hostilities, discords, and wars, between the said Lord the King, and the foresaid Lords the States General, and their subjects and inhabitants, cease and be abolished; and that both parties do altogether forbear and abstain from all plundering, depredation, harm-doing, injuries, and infestation whatsoever, as well by land as by sea, and in fresh-waters, everywhere; and especially through all tracts, dominions, places, and governments (of what condition soever they be) within the jurisdiction of either party.

III. Also, that all offences, injuries, damages, losses, which his said Majesty and his subjects, or the foresaid States General and their subjects, have on either side sustained during this war, or at any time whatsoever heretofore, upon what cause or pretence soever, be buried in oblivion, and totally expunged out of remembrance, as if no such things had ever past.

Furthermore, that the foresaid peace, friendship, and alliance may stand upon firm and unshaken foundations, and that from this very day all occasions of new dissention and difference may may be cut off; it is further agreed, that both the parties, and either of them, shall keep and possess hereafter, with plenary right of sovereignty, propriety, and possession, all such lands, islands, cities, forts, places, and colonies (how many soever) as during this war, or in any former times before this war, they have by force of arms, or any other way whatsoever, gotten and detained from the other party, and that, altogether after the same manner as they had gotten and did possess them the 10/20 day of May last past, none of the same places being excepted. . . .

VI. But if after the 10/20 day of May, expressed in the precedent third article, or after the peace is made, or this treaty signed, either party shall intercept and get from the other any lands, islands, cities, forts, colonies, or other places whatsoever, all and every of them, without any distinction of place or time, shall be restored *bonâ fide* in the same state and condition wherein they shall be found to be at the time whensoever it shall be known in those places that the peace is made. . . .

IX. And whereas in countries far remote, as in Africa and America, especially in Guinea, certain protestations and declarations, and other writings of that kind, prejudicial to the liberty of trade and navigation, have been emitted and published on either side by the governors and officers in the name of their superiors; it is in like manner agreed, that all and every such protestations, declarations, and writings aforesaid, be abolished, and held hereafter for null and void; and that both the above-mentioned parties, and their inhabitants and subjects, use and enjoy the same liberty of trade and navigation, as well in Africa as in America, which they used and enjoyed, or of right might use and enjoy, at that time when the treaty of the year 1662 was subscribed. . . .

XI. That the said King of Great Britain, and the said States General remain friends, confederate, united, and allied, for the defence and preservation of the rights, liberties, and immunities of either ally and their subjects, against all whomsoever, who shall endeavour to disturb the peace of either's state by sea or land, or such as living within either's dominions, shall be declared public enemies to either. . . .

LXXIII.

ORDER FOR SUBMISSION OF THE PROVINCE OF MAINE, BY THE GENERAL COURT OF MASSACHUSETTS BAY.

May 27/June 6, 1668.

Sources.

By an order of the General Court for the submission of the Province of Maine, Massachusetts resumed government over Gorges's original and entire province. After the report of the King's commissioners in 1665 the order of the General Court would seem, on its face, like an act of usurpation. However, a timely gift of masts, "as a manifestation of their loyalty and good affection," completely disarmed his majesty of any suspicion of dishonesty on the part of Massachusetts. He acknowledged the present in most gracious words, — "What they have now done has been exceeding acceptable; he will always look on them as part of his care to provide for their peace and welfare in all things . . . . He shall be ready at any time to receive any of their just desires and requests;" "Colonial Papers," Vol. XXIII.

The order was entered in the records of the "Governor and Company of the Massachusetts Bay in New England," and is found in the printed "Records," IV., part ii., 370, 371; it is also in James Sullivan, "History of the District of Maine" (Boston, 1795), 375, 376.

The text adopted is that of the printed "Records."

Text.

Whereas this colony of the Massachusetts, in observance of the trust to them com̄itted by his maj^{tys} royall charter, wth the free & full consent & submission of the inhabitants of the county of Yorke, for sundry yeares did exercise governm̄t ouer the people of that county; and whereas about three yeares now past some interruption haue binn made to the peace of that place, & order there established, by the imposition of some who, pretending to serue his maj^{tys} interest, wth vnjust aspersions & reflections vpon this goverm̃nt here established by his royall charter, haue vnwarrantably draune the inhabitants of that county to subjection vnto officers that haue no royall warranty, thereby infringing the libertjes of our charter, & depriuing the people there settled of their just priuiledges,—

The effect whereof doeth now appeare to be not only a disservice to his maj^{ty}, but also the reducing of a people that were found vnder an orderly establishment to a confused anarchy.

The premisses being duely considered, this Court doe judge meete, as in duty they stand bound to God & his majesty, to declare their resolution againe to exert their power of jurisdiction ouer the inhabitants of the sajd county of Yorke,—

And doe hereby accordingly, in his maj^{tys} name, require all and euery of the inhabitants there setled to yeild obedience to the lawes of this colony, as they haue been orderly published, and to all such officers as shall be there legally stated by the authority of his maj^{tys} royall charter, & the order of our com̃issioners, whom this Court hath nominated and impowered to setle all officers necessary for the government of the people there, & to keepe a Court this ꝑsent summer the first Tuesday in July, at Yorke Toune, as haue been formerly accustomed.

And for that end wee haue com̃anded our secretary to issue out warrants to the inhabitants there in their respective tounes, to meet & choose jurors, both grand & petit, constables & other officers, for the service of the country, as the lawe requireth; the sajd warrants to be directed vnto Nathaniel Masterson, who is by this Court appointed the marshall of that county as fformerly, & by him the sajd warrants are to be deliuered to the seuerall constables, to be accordingly executed. A due observance whereof, wth an orderly returne, to be made to the Court, to be held as abouesajd, is heereby required of all persons respectively concerned, as *as* they will answer the contrary at their perill.

By the Court.

EDW: RAWSON, Secrety.

LXXIV.

EXTRACTS FROM THE TREATY OF WESTMINSTER, BETWEEN CHARLES II. OF ENGLAND AND THE STATES-GENERAL OF THE UNITED NETHERLANDS.

February 9/19, 1673/4.

Sources.

By the treaty of peace between Charles II., king of England, and the United Provinces of the Netherlands, made at Westminster, February 9/19, 1673/4, not only was the treaty of Breda renewed and in force, but all places captured by either party during the recent war were to be restored to the former proprietors. New Netherlands was again confirmed to the English, and the Duke of York was once more viceroy of the large territory of Sagadahoc.

The treaty was published in England "by authority" in 1686, and that text was followed by George Chalmers, "A Collection of Treaties between Great Britain and Other Powers" (London, 1790), I., 172-177. Another translation is adopted by Charles Jenkinson, "A Collection of all the Treaties of Peace, Alliance and Commerce, between Great-Britain and Other Powers, from . . . 1648 to . . . 1783" (London, 1785), I., 202-207.

The extracts given in the present collection were made from Jenkinson; a comparison with Chalmers shows no essential difference.

Text.

I. IT is agreed and concluded, that from this day there shall be a firm, sincere and inviolable peace, union and friendship, between the most serene and potent King of Great Britain, and the high and mighty Lords the States General of the United Netherlands, and their respective subjects, in all the countries, dominions and places whatsoever of both parties in Europe, or any other part of the world.

II. And to the end that this true union between the said most serene Lord the King of Great Britain and the said Lords the States General may the sooner take effect, it is agreed and concluded by them, that, immediately after the promulgation of the treaty of peace, all acts of hostility shall be prohibited on both sides; nor shall any writ, commission, or instruction be granted or promoted, or in any manner permitted by either party, privately or publicly, directly or indirectly, to infest, invade, attack or despoil the substance, dominions or subjects of either; but on the contrary, the subjects of both nations shall be strictly commanded, that in all places they behave themselves to one another peaceably and amicably. . . .

VI. It is agreed and concluded, that whatsoever countries, islands, towns, ports, castles or forts, have or shall be taken on both sides since the time that the late unhappy war broke out, either in Europe or elsewhere, and before the expiration of the terms above-mentioned for the cessation of hostilities, shall be restored to the former lord and proprietor, in the same condition they shall be in when the peace itself shall be proclaimed. After which time there shall be no spoil nor plunder of the inhabitants, no demolition of fortifications, nor carrying away of guns, powder, or other military stores, which belonged to any castle or fort at the time when it was taken.

VII. That the treaty of Breda concluded A. D. 1667, as likewise all other preceding treaties confirmed by that treaty, be renewed and remain in full force, as far as is consistent with the present treaty. . . .

XI. That the most serene King of Great Britain above-mentioned, and the said high and mighty Lords the States General of the United Provinces, shall sincerely and bona fide observe all and singular the articles contained and established in the present treaty, and cause them to be observed by their subjects and inhabitants; and they shall not contravene them directly or indirectly; nor suffer them to be contravened by their subjects or inhabitants; and shall ratify all and singular the conventions above-mentioned by letters patent drawn up in due form, signed with their own hands, and sealed with their great seals; and reciprocally deliver, or cause the same to be delivered, within weeks after the date of these presents (or sooner if possible) bona fide, really and effectually.

XII. Lastly, as soon as the said ratifications are exhibited reciprocally, and duly exchanged on both sides, the peace shall be proclaimed at the Hague within twenty four hours after the ratifications are so delivered and exchanged. Done at Westminster, the 9th day of Feb. A. D. 1673/4

Signed and Sealed,

[Seven names.]

LXXV.

ORDER FOR COMMISSIONERS TO HOLD COURT AT PEMAQUID, BY THE GENERAL COURT OF MASSACHUSETTS BAY.

MAY 27/JUNE 6, 1674.

Sources.

The surrender of Acadia in 1670, by Colonel Temple, in accordance with the treaty of Breda, gave the French claims to the country westward to the Kennebec. Massachusetts immediately caused a new survey of the northern line of the charter, an adroit measure by which Pemaquid was included within the limits and jurisdiction of Massachusetts.

In pursuance of an order of the General Court, May 27/June 6, 1674, commissioners were appointed to keep a county court within the easterly limits of their patent, "according to God and the wholesome lawes of this jurisdiction." The region east of the Kennebec, while under the authority of Massachusetts, was called the "County of Devon."

Extracts relating to the court at Pemaquid are here reprinted from the "Massachusetts Records," V., 17.

Text.

Att a Court held at Pemaquid, 22th July, 1674, by Majo^r Thomas Clarke, Humphry Davy, Richard Collecot, Thomas Gardiner, according to commission and order of the Generall Court of the Massachusetts colony, dated in Boston in New England, 27th day of May, 1674.

Boston, in New England.

Seal.

Jnº Leueret.

Att a Generall Court, held at Boston, 27th day of May, 1674. In pursuance of an order at the Generall Court in October, 1673, it is ordered, that Majo^r Thomas Clarke, M^r Humphry Davy, M^r Richard Collecot, and Leift̃ Thomas Gardiner, or any three of them, whereof Majo^{r} Thomas Clarke to be one, are fully hereby impowred to repajre to Pemaquid, Capenawaghen, Kennebeck, &c, or some one of them to the eastward, or there or some one of those places, to keepe a Court as a County Court, to give oathes to the constables there appointed, as also to appoint and impower meet persons, inhabitants there, to such offices & places as farr as they be wthin the ljne of our patent, according to God and the wholesome lawes of this jurisdiction, that so the way of godlynes may be encouradged & vice corrected. And it is hereby further declared, that the gentlemen aboue mentioned shall be and hereby are impowred to appoint Com̄ission^{r}s Courts for the ending of smale causes, which com̄issioners shall haue magistratticall power in marrying such as are duely and legally published according to law, as also to punish criminall offences; and the County Court is hereby impowred to setle the militia in those places, and in all places where there are not freemen, they may make vse of any fitt men, prouided they haue taken the oath of fidelity, any thing in the law to the contrary notwthstanding.

By the Court.

EDWARD RAWSON, Secre^{ty}.

LXXVI.

EXTRACTS FROM THE GRANT OF PEMAQUID, RENEWED TO JAMES DUKE OF YORK, BY CHARLES II., OF ENGLAND.

$\substack{\text{JUNE } 29 \\ \text{JULY } 9}$, 1674.

Sources.

The grant of lands, including Pemaquid, renewed to James, Duke of York, $\substack{\text{June } 29 \\ \text{July } 9}$, 1674, is nearly identical with the conveyance of 1664/5. To remove any doubt of the validity of the Duke's title, either from want of "seizin" to the crown, or on account of the conquest by the Dutch after the treaty of Westminster, the title was confirmed to his royal highness by these further letters patent.

Subsequently a government was established at Pemaquid under the name of the "County of Cornwall," with the privilege of having one representative to the General Assembly of New York. In "York Deeds" IX., folio 241, there is a conveyance of land "within y^{e} bounds of New Town in or Near Sagadehoc in y^{e} County of Cornwall in y^{e} Collony of New York in America." On the accession of James II., the unusual privileges of the grant were merged in the crown.

The deed of renewal is in the office of the secretary of state, Albany, "New York Book of Patents," I., 1, and "New York Collections of MSS.," XXIII., 362. It is included in a "Statement on the Part of the United States, of the Case referred, in Pursuance of the Convention of 1827 . . ." (printed but not published, Washington, 1829) Appendix XII., 103-106. An extract is in the "Report of the Regents of the University on the Boundaries of the State of New York" (Albany, 1874), 21, 22. The deed is also printed in Ben: Perley Poore, "The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States" (Washington, 1877), 786-788. An early manuscript copy is in the archives of the Maine Historical Society, "Pejepscot Papers," VII., 39a.

The text adopted is that of the "Regents' Report," which is from a duly attested copy of the deed in the "New York Book of Patents."

Text.

CHARLES THE SECOND BY THE GRACE of God, King of England Scotland, France and Ireland, Defender of the ffaith &c, To ALL TO WHOM these presents shall come Greeting; KNOW YEE, that wee for divers good causes and consideracons, HAVE of our especiall Grace, certaine knowledge and meer motion, GIVEN and granted, and by these p^{re}sents, for us, our Heirs and Successo^{rs} Do give and graunt unto our Dearest Brother, JAMES DUKE OF YORKE, his Heires and Assignes, ALL that part of the Maine Land of New England, begining at a certaine place called or knowne by the name of St Croix, next adjoyning to New Scotland in America; and from thence extending along the Sea-Coast, unto a certaine place called Petuaquine or Pemaquid, and so up the River thereof, to the furthest head of the same, as itt tendeth Northwards, and extending from the River of Kinebeque, and so upwards by the shortest Course to the River Canada Northwards; And all that Island or Islands, commonly called by the severall name or names of Matowacks or Long Island, Scituate and being towards the West of Cape Cod, and the narrow Higansetts, abutting upon the Maine Land between the two Rivers there, called or knowne by the severall names of Conecticutt and Hudsons River, together also with the said River called Hudsons River, and all the land from the west side of Conecticutt River, to the East side of Delaware Bay; And also all those severall Islands, called or known by the names of Martin-Vineyards and Nantukes, otherwise Nantuckett; Together with all the Lands, Islands, Soiles, Rivers, Harbors, Mines, Mineralls, Quarryes, woods, Marshes, waters, Lakes, ffishings, Hawking, Hunting & ffowling; And all other Royalties, proffits, Commodities and Hereditamts, to the said severall Islands, Lands and premisses, belonging and appertaining, wth their and every of their Appurtenances, and all our Estate, Right, Title & Interest, benefit and advantage, Claime and demand, of, in or to the said Lands or premisses, or any part or parcell thereof; And the Revercon and Revercons, remainder & remaindrs, together with the yearly and other Rents, Revenues and Proffitts of the premisses, and of every part and Parcell thereof; To HAVE AND TO HOLD . . .

In WITNESSE whereof wee have caused these our L'res to bee made patents, witnesse our selfe at westm. the 29th day of June, in the 26th yeare of our Reigne.

PIGOTT.

LXXVII.

COMMISSION TO MAJOR ANDROS AS GOVERNOR OF NEW YORK, BY JAMES, DUKE OF YORK.

JULY 1/11, 1674.

Sources.

The commission of July 1/11, 1674, by James, Duke of York, to Major Edmund Andros, gave to the latter jurisdiction over Pemaquid, the disputed area from the St. Croix westward, and other territory granted under the royal patent of $\frac{\text{June 29}}{\text{July 9}}$.

The original commission is in the "New York Book of Patents," I., 171. From that source it was printed in a "Statement on the Part of the United States, of the Case Referred, in Pursuance of the Convention of 1827 . . . " (printed but not published, Washington, 1829), Appendix XII., 106, 107; also in Edmund Bailey O'Callaghan, editor, "Documents Relative to the Colonial History of the State of New York" (Albany, 1853), III., 215, which is the text adopted for the following reprint.

Text.

JAMES Duke of Yorke and Albany, Earle of Ulster, &^{c} Whereas it hath pleased y^{e} King's most Excellent Ma^{ty} my Soveraigne Lord and brother by his Lett^{rs} Pattents to give and grant unto Mee and my heyres and assignes all that part of y^{e} Maine Land of New England begining at a certaine place called or known by y^{e} name of S^{t} Croix next adjoyneing to New Scotland in America and from thence extending along y^{e} sea Coast unto a certaine place called Pemaquin or Pemaquid and soe up the River thereof to y^{e} furthest head of the same, as it tendeth Northwards and extending from thence to the River Kinebequi and soe upwards by y^{e} shortest course to y^{e} River Canada northwards. And also all that Island or Islands comonly called or known by y^e severall names of Matowacks or Long Island scituate lying and being towards y^e West of Cape Codd and y^e Narrow Higansetts abutting upon y^e maine land betweene y^e two rivers there called or knowne by y^e severall names of Conecticut and Hudsons River together also wth y^e said river called Hudsons River and all y^e land from y^e West side of Conecticut river to y^e East side of Delaware Bay, and also all those severall Islands called or knowne by y^e name of Martine Vynyards and Nantukes otherwise Nantukett, together with all the Lands islands soiles rivers harbours mines mineralls quarryes woods marshes waters lakes fishings hawking hunting and fowling and all royaltyes and proffitts comôdityes and hereditaments to y^e said severall islands lands and premisses, belonging and apperteyneing with their and every of their appurtenancies: To hold y^e same to my owne proper use and behoofe wth power to correct punish pardon govern and rule y^e inhabitants thereof by my selfe or such deputyes comiss^{rs} or officers as I shall think fitt to appoint, as by his Ma^{ties} said Letters Pattents may more fully appeare. And whereas I have conceived a good opinion of the integrity prudence ability and fittnesse of Major Edmund Andros to be employed as my Lieutenant there, I have therefore thought fitt to constitute and appoint him y^e said Major Edmund Andros to bee my Lieut^t and Governour within y^e lands islands and places aforesaid to performe and execute all and every y^e powers w^{ch} are by y^e said letters Patents graunted unto Mee to be executed by Me my Deputy Agent or Assignes To have and to hold y^e said place of Lieutenant and Governour unto him y^e said Edmund Andros Esq^r but dureing my will and pleasure only, Hereby willing and requireing all and every y^e inhabitants of y^e said lands islands and places to give obedience unto him y^e said Edmund Andros Esq^r in all things according to y^e tenure of His Ma^{ts} Letters Patents.

And y^e said Edmund Andros Esq^r to observe follow and execute such orders and directions as he shall from time to time receive from myselfe. Given under my hand and seale at Windsor this first of July 1674.

JAMES.

By command of His
Roy^ll Highness

JO: WERDEN.

LXXVIII.

COMMISSION TO JOHN RHOADES FOR POSSESSION OF ACADIA, BY THE GENERAL WEST INDIA COMPANY.

SEPTEMBER 11/21, 1676.

Sources.

By the commission to John Rhoades from the General West India Company, September 11/21, 1676, the conquest of Acadia in 1674 by Jurriaen Aernouts, master of the frigate "The Flying Horse," was rendered effective. John Rhoades, who was a native of England although a member of the buccaneering expedition, was allowed to take possession in the name of the company.

The original ordinance is in the possession of the New York Historical Society. A translation was first published by J. Watts de Peyster, in a paper read before the society March 3, 1857, entitled "The Dutch at the North Pole and the Dutch in Maine," 76; another translation was printed by Charles Wesley Tuttle, "The Dutch Conquest of Acadia, and Other Historical Papers" (Boston, 1889), Appendix XIII., 376, 377.

For further knowledge of John Rhoades and his connection with New England history, the "State Papers" in the Public Record Office, London, and "Massachusetts Records," V., will furnish abundant material.

The text adopted is that of De Peyster's translation from the original.

Text.

To all those who shall see or hear these presents — Greeting:

Know, that whereas, in the year 1674, Captain JURRIAEN AERNOUTS, master of the frigate "The Flying Horse," from Curaçao, and charged with a Commission of his Highness the Prince of Orange, has conquered and subdued the coasts and countries of Nova Scotia and Acadie, in which expedition was also present and assisted, with advice and force, John Rhoade:

Therefore we, after consulting the demand of aforesaid Rhoade, to establish himself in the aforesaid countries, and to remain there, and to maintain himself, have consented and permitted, and do consent and permit hereby, that the aforesaid Rhoade, in the name and by the consent of the General West India Company, shall take possession of the aforesaid coasts and countries of Nova Scotia and Acadie, in whatever place of that district it may please him, to build houses and to establish, to cultivate, and to keep in repair, plantations; that he may trade and negotiate with the natives, and all others with whom the State of the United Netherlands and the aforesaid Company is in peace and alliance; in the first place, to send hither and thither his own goods and merchandize, after paying the duties to our Company; in the second place, to defend and maintain himself against every foreign and domestic power of enemies. Also, we charge and commend our Managers, Captains, Ship-Masters, and all other officers in the service of our Company, and we request all persons who do not belong to our Company, not to trouble, or to disturb the aforesaid Rhoade; but, after shewing this Commission, to assist him in the execution thereof, and to give him all help, aid and assistance.

Given at Amsterdam, Sept'r 11, 1676.

(Signed) GASPAR PELLICORNE.

For ordinance of the aforesaid Directors,

(Signed) C. GANINE.

LXXIX.

APPOINTMENT OF CORNELIS STEENWYCK AS GOVERNOR OF NOVA SCOTIA AND ACADIA, BY THE GENERAL WEST INDIA COMPANY.

$\substack{\text{OCTOBER } 27 \\ \text{NOVEMBER } 7}$, 1676.

Sources.

The "appointment of the installation" of Cornelis Steenwyck by the directors of the privileged General West India Company of the United Netherlands, $\substack{\text{October } 27 \\ \text{November } 7}$, 1676, gave him jurisdiction over "the coasts and countries of Nova Scotia and Acadie, including the subordinate countries and islands, so far as their limits are extended, to the east and north from the River Pountegouycet [Penobscot]." A letter of instruction which accompanied the commission to Steenwyck cautioned him against any measures that would prejudice the previous commission to John Rhoades.

According to Brodhead, Steenwyck was a burgomaster of New Netherlands who held various positions under Dutch governors. His connection with Maine history was so brief that little or no mention has been made of it by most historians. That the possibilities impending at that time may be better understood, the commission which gave a Dutch governor to eastern Maine is here inserted.

The translation is from the original commission in the possession of the New York Historical Society. It was published by J. Watts de Peyster, in a paper read before the society March 3, 1857, entitled "The Dutch at the North Pole and the Dutch in Maine, 73-75; and another translation was printed by Charles Wesley Tuttle, "The

Dutch Conquest of Acadie and Other Historical Papers" (Boston, 1889), Appendix XIII., 378-380.

The text adopted is that of De Peyster's translation from the original.

Text.

APPOINTMENT OF THE INSTALLATION OF CORNELIS STEENWYCK,

As Governor of Nova Scotia and Acadie.

The Directors of the Priviliged General West India Company of the United Netherlands.

All those who shall see or hear these presents, Greeting:

Know, that we, being convinced that the wealth of this Company would be greatly increased by the cultivation of those lands and places under the jurisdiction of our aforesaid grantees, and that it will be useful that these aforesaid lands and places should not remain uninhabited, but that somebody be duly settled there, and populate the country; and afterwards thinking on expedients by which the navigation, commerce and traffic of the aforesaid Company, and of all others who belong to it, may after some time be increased and augmented; so is it that we, wishing to put our useful intention in execution, for the aforesaid and other reasons, by which we are persuaded; following the second article of our aforesaid grant, and by the authority of the high and mighty States-General of the United Netherlands, and upon mature deliberation of the Council, have committed and authorized, and we do commit and authorize, CORNELIS STEENWYCK, in the name of, and for, the High and Mighty and the Privileged General West India Company, to take possession of the coasts and countries of Nova Scotia and Acadie, including the subordinate countries and islands, so far as their limits are extended, to the east and north from the River Pountegouycet; and that he, STEENWYCK, may establish himself there, and select such places for himself, in order to cultivate, to sow, or to plant, as he shall wish.

MOREOVER, to trade with the natives of the country, and all others with whom the Republic of these United Netherlands and the aforesaid Company are in peace and alliance, to negotiate and to traffic in the goods and merchandizes belonging to them, send them hither and thither, and fit out ships and vessels for the large and small fisheries, to set the cargo ashore, to dry and afterwards to sell them, so as he shall think it best; and, generally, to sustain and to maintain himself and his family, by no other than honest means.

MOREOVER, that he, STEENWYCK, in the name of the High and Mighty, and of the General West India Company, will be admitted to make contracts and alliances and engagements with the natives of that country; also to build some forts and castles, to defend and to protect himself against every foreign and domestic force of enemies or pirates; and also to admit and to protect all other persons and families who wish to come under obedience to the Company, if they swear due faithfulness to the much esteemed High and Mighty, as their highest Sovereign Magistrate, to his Highness, My Lord the Prince of Orange, as the Governor-Captain and Admiral-General, and to the Directors of the Privileged West India Company.

THAT MOREOVER, the aforesaid STEENWYCK, with the title and power of Manager and Captain, will provide, deliver and execute every thing that belongs to the conservation of these countries, namely: —

The maintenance of good order, police and justice, as would be required according to the laws and manners of those countries; and principally that the true Christian reformed religion is practiced within the limits of his district, after the usual manner, that STEENWYCK, according to this, may place some one — if he is a free-born subject of our union — in his office; who, in name and authority, more over, with the title and a power as aforesaid, may take possession of the aforesaid countries to establish himself there; and further, to do and execute all those things whereto STEENWYCK, himself, in aforesaid manner is authorized; all those things nevertheless, without expenses, charges, or any kind of burdens to the Company; and with the invariable condition that the aforesaid STEENWYCK, or the person whom he might place in his office, will be obliged to execute the present Commission and authorization within the next eighteen months, or that by negligence or failure thereof it will be in our faculty and power to give such a Commission and authorization to other persons than STEENWYCK, or his Lieutenant, without any reference to this present one.

Moreover, we have the aforesaid STEENWYCK, or his Lieutenant, so soon as they establish themselves within the limits of that particular, privileged and conceded district; and we do privilege and concede freedom and immunity of all rights and recognizances for the time of six years successively.

At last, and to conclude, that the aforesaid STEENWYCK, or his Lieutenant, within the limits of the aforesaid district, will have the right to distribute to others such countries and places for Colonies and farms as he shall think best; and that the managers and principals of those Colonies and farms, for the time of six years, shall be entirely possessed of the aforesaid rights and recognizances.

We command and charge also our Directors, Managers, Captains, Masters of ships, and all our other officers who may belong to them, that they will have to acknowledge, to respect, and to obey, the aforesaid CORNELIS STEENWYCK, or his Lieutenant, as Manager and Captain, within the limits of the aforesaid district; and to procure, to give, and to afford him every help, aid, and assistance in the execution thereof, — seeing that we find it useful for the service of the Company.

Given in Amsterdam, October 27, 1676.

(Signed) GASPAR PELLICORNE.

For ordinance of the aforesaid Directors.

(Signed) C. GANINE.

LXXX.

JUDGMENT IN FAVOR OF FERDINANDO GORGES, PROPRIETOR OF THE PROVINCE OF MAINE, BY THE COUNCIL FOR TRADE AND PLANTATIONS.

JULY 20/30, 1677.

Sources.

To the petition of Ferdinando Gorges for an adjustment of rights and claims to lands north of the Merrimac river, the Lords of the Committee of Trade and Plantations gave judgment July 20/30, 1677. Plots and counterplots among the interested parties had been in progress several years; Gorges and Mason had pressed their claims with urgency; and the Lords of Trade had been so zealous for the enforcement of the navigation acts that they employed Edward Randolph to investigate the condition of affairs in New England. Massachusetts, in self defense, had sent William Stoughton and Peter Bulkeley as agents to England to meet the demands of Mason and Gorges on the one hand, and to satisfy the Council for Trade on the other.

The report of the committee confirmed Gorges's right to the Province of Maine, and restricted Massachusetts to territory lying within the bounds of the patent, "within the space of three English miles to the northward of the said river called Monomak alias Merrimack."

For a history of the manuscript from which the "Order in Council" was printed, the best work is that of William H. Whitmore, "A Bibliographical Sketch of the Laws of the Massachusetts Colony from 1630 to 1686" (Boston, 1890). In 1843 Mr. Francis Colley Gray, librarian of the Boston Athenæum, discovered a collection of manuscripts, together with "A Coppie of the Libberties of the Massachusetts Collonie in New England [1641]." The name of Joshua Hutchinson, on the inside of the last cover, suggests that Governor Thomas Hutchinson made use of his grandfather's volume, especially as several of the manuscripts are printed in his "Collection of Original Papers."

Mr. Gray printed the manuscripts in 1843, in the Massachusetts Historical Society, "Collections," 3d Series, VIII., 238-242. Extracts had been printed by George Chalmers, "Political Annals of the Present United Colonies, from their Settlement to the Peace of 1763" (London, 1780), 505-507.

The text adopted is that of Mr. Gray.

Text.

AT THE COURT AT WHITEHALL, THE 20th JULY, 1677.

PRESENT.

Lord Chancellor,
Lord Treasurer,
Lord Privy Seal,
Duke of Ormond,
Marquis of Worcester,
Lord Chamberlain,
Earl of Northampton,
Earl of Peterborough,
Earl of Sunderland,
Earl of Bath,
Earl of Craven,
Lord Bishop of London,
Lord Maynard,
Lord Berkeley,
Mr. Vice Chancellor,
Mr. Secretary Coventry,
Mr. Secretary Williamson,
Mr. Chancellor of the Exchequer,
Master of the Ordinance,
Mr. Speaker.

Whereas the Right honorable the Lords of the Committee for trade and plantations did, in pursuance of an order of the 7th February last, make a report to the Lords of the matters in controversy between the Corporation of the Massachusetts Bay in New England and Mr. Mason, Mr. Gorges touching the right of soil and government claimed by the said parties in certain lands there, by virtue of several grants from his majesties royal father and grandfather as followeth in haec verba:

May it please your Majesty,

Having received your Majesty's order in Council of the 7th February last past, whereby we are directed to enter into the examination of the bounds and limits, which the Corporation of the Massachusetts Bay in New England on the one hand, and Mr. Mason and Mr. Gorges on the other do pretend by their several grants and patents to have been assigned unto them, as also to examine the patent and charters which are insisted on by either side, in order to find out and settle how far the rights of soil or government do belong unto any of them; in the consideration whereof the Lords Chief Justices of your Majesty's courts of Bench and Common Pleas were appointed to give us their assistance, we did on the 5th April last, together with said Lords chief Justices, meet in obedience to your Majesty's commands, and having heard both parties by their counsel learned in the law, we did recommend unto their Lordships to receive a state of the claims made by both parties and to return their opinions upon the whole matter unto us, which their Lordships have accordingly performed in the words following:

In obedience to your Lordship's order we appointed a day for the hearing of all parties and considering the matter referred, having received from them such papers of their cases, as they were pleased to deliver, at which time all parties appearing, the Respondents did disclaim title to the lands claimed by the Petitioners and it appeared to us, that the said lands are in the possession of several other persons not before us, whereupon we thought not fit to examine any claims to the said lands, it being in our opinion improper to judge of any title of land without hearing of the Tertenants or some other person in their behalf; and if there be any Court of Justice upon the place, we esteem most proper to direct the parties to have recourse thither for the decision of any question of propriety, until it shall appear, that there is just cause of complaint against the Courts of Justice there for injustice or grievance.

We did in the presence of said parties examine their several claims to the government. And the Petitioners having waived the pretence of a grant of government from the council of Plymouth, wherein they were convinced by their own counsel, that no such power or jurisdiction could be transferred or assigned by any colour of law, the question was reduced to the Province of Maine, whereto the Petitioner Gorges made his title by a grant from King Charles the first, in the fifteenth year of his reign, made to Sir Ferdinando Gorges and his heirs of the Province of Maine and the government thereof. In answer to this, the Respondents alleged, that long before, viz. in quarto Car. I. the government was granted them, and produced copies of letters patent, wherein it is recited, that the Council of Plymouth having granted to certain persons Territories thus described, viz. All that part of New England in America, which lies and extends between a great river there commonly called Monomak or Merrimack, and a certain other river there called Charles River, being in the bottom of a certain Bay there called the Massachusetts Bay, and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles on the south part of the said Charles river or of any or every part thereof; and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southermost part of the said Bay called Massachusetts Bay, and all those lands and hereditaments whatsoever which lie and be within the space of three English miles to the northward of the said river called Monomak alias Merrimack or to the northward of any and every part thereof, and all lands and hereditaments whatsoever lying within the limits aforesaid north and south in latitude and breadth, and in length and longitude of and within all the breadth aforesaid throughout the main lands there from the Atlantic and western sea and ocean on the east part to the south sea on the west. By the said letters patent the king confirmed that grant, made them a corporation, and gave them power to make laws for the governing of the lands and people therein.

To this it was replied; that the patent of the 4th Charles 1st, is invalid. 1. Because there was a patent granted 18 Jacobi, of the same thing then in being, which patent was surrendered afterwards and before the date of the other 15 Charles 1st. 2. The grant of the government can extend no further than the ownership of the soil, the boundaries of which are recited in the patent, wholly excludes the Province of Maine, which lies northward more than three miles beyond the river Merrimack.

We having considered these matters, do humbly conceive as to the first matter, that the patent of the 4th Charles 1st is good notwithstanding the grant made 18 Jacobi, for it appeared to us by recital in the patent 4th Charles 1st that the Council of Plymouth had granted away all their interest in the lands the year before, and it must be presumed they then deserted the government, whereupon it was lawful and necessary for the king to establish a suitable frame of government, according to his royal wisdom, which was by the patent 4th Charles 1st, making the adventurers a corporation upon the place.

As to the second matter, it seems to us to be very clear, that the grant of the government 4th Charles 1st, extends no further than the boundaries expressed in the patent, and those boundaries cannot be construed to extend farther northwards along the river Merrimack than three English miles. For the north and south bounds of the lands granted, so far as the rivers extend, are to follow the course of the rivers, which made the breadth of the grant. And the words describing the length to comprehend all the lines from the Atlantic ocean to the South sea, of and in all the breadth aforesaid, do not warrant the overreaching of those bounds by imaginary lines or bounds. Other expressions would (in our humble opinion) be unreasonable and against the intent of the grant. The words of and in all the breadth afterward, show the breadth was not intended an imaginary line of breadth laid upon the broader part; but the breadth respects the continuance of the boundaries by the rivers, as far as the rivers go, but where the known boundary of breadth determines, it must be carried on by imaginary lines to the South sea. And if the Province of Maine lies more northerly than three English miles from the river Merrimack the patent of 4th Charles 1st gives no right to govern there, and thereupon the patent of the same 15th Charles 1st to the Petitioner Gorges will be valid.

So that upon the whole matter we are humbly of opinion, as to the power of government, that the respondents the Massachusetts and their successors by their patent 4° Martii 4° Caroli primi have such rights of government as is granted them by the same patent, within the boundaries of their lands expressed therein, according to such description and expression as we have thereof made as aforesaid. And the Petitioner Sir Ferdinando Gorges his heirs and assigns by the patent third April, 15th Charles 1st, have such right of government as is granted them by the same patent within the lands called the Province of Maine according to the boundaries of the same expressed in the same patent.

RICH RAINSFORD,
FRA NORTH.

All which being the opinion of the Lords chief Justices and fully agreeing with what we have to report unto your Majesty upon the whole matter referred unto us by the said order, we humbly submit the determination thereof to your Majesty.

ANGLESEY,	CRAVEN,	J. WILLIAMSON,
ORMOND,	H. LONDON,	THO. CHICHELEY,
BATH,	G. CARTERET,	EDW. SEYMOUR.

Which having been read at the Board the 18th inst., it was then ordered, that the said Mr. Mason and Mr. Gorges, as also the agents for the Corporation of the Massachusetts Bay, should be this day heard upon the said report, if they have any objections to make thereunto. In pursuance whereof all parties attending with their counsell who not alledging any thing so material as to prevail with his Majesty and the Board to differ in judgment from the said report, his majesty thereupon pleased to approve and confirm the same and did order, that all parties do acquiesce therein, and to contribute what lies in them to the punctual and due performance of the said report as there shall be occasion.

JOHN NICHOLES.

LXXXI.

ABSTRACT OF THE TREATY OF WESTMINSTER, BETWEEN CHARLES II. OF ENGLAND AND THE STATES GENERAL OF THE UNITED NETHERLANDS.

March 3/13, 1677/8.

Sources.

The treaty of defensive alliance between Charles II. king of England and the States General of the Netherlands was concluded at Westminster March 3/13, 1677/8. This treaty followed the invasion of the "Duke's Territory" in Maine by the Dutch, and virtually annulled the temporary advantages they had gained in that region; at the same time it strengthened the claims of the English over against the French. An abstract is accordingly inserted in this compilation of documents relating to the history of Maine.

The earliest available source is "A General Collection of Treatys, Declarations of War, etc." (London, 1710), 183-188. An abstract is in "A Collection of Treaties of Peace and Commerce, Containing all those that have been Concluded from the Peace of Munster, inclusive to this time" (London, 1714), 131-133; another abstract, which is the one here and usually adopted as the best available source in English, is in Charles Jenkinson, "A Collection of all the Treaties of Peace, Alliance, and Commerce, between Great-Britain and Other Powers, from . . . 1648 to . . . 1783" (London, 1785), I., 213, 214.

Text.

I. THERE shall be sincere friendship, &c. between the king and states.

II. There shall be a strict alliance, &c. between the said king and states for the mutual support of each other in peace.

III. They promise and oblige themselves to be mutual guarantees of all treaties that shall be produced before the ratifications are exchanged, and of all others they shall make jointly, and to defend one another's territories if attacked.

IV. The mutual obligation of assisting and defending one anothers extends to the maintainance of all their rights, &c. both by sea and land.

V. The party not attacked shall break with the aggressor within two months after the rupture, using all means to bring things to an accommodation.

VI. If the states be attacked, his Britannick Majesty shall make use of all his power by sea and land to bring the aggressor to reason.

VII. The forces of the king and states shall act jointly or separately, as shall be concerted between them to annoy the common enemy.

VIII. The states are to perform the same in case the King of Great Britain be attacked.

IX. When the two allies are once in open war according to this treaty, it shall not be lawful for either to come to any cessation of arms with the enemy, without it be done conjointly.

X. No treaty shall be begun by one of the allies, without the concurrence of the other; nor peace or truce made by the one, without comprehending his ally.

XI. The ally who is attacked may raise forces in the territories of the other.

XII. The ratifications to be exchanged within four weeks.

LXXXII.

DEED OF THE PROVINCE OF MAINE TO JOHN USHER, BY FERDINANDO GORGES.

MARCH 13/23, 1677/8.

Sources.

After the judgment of the Lords of Trade in favor of Ferdinando Gorges as the only lawful owner of the Province of Maine, Gorges soon entered into negotiations for the transfer to Massachusetts of his newly established rights. Although Stoughton and Bulkeley were then in England as agents for Massachusetts, the deed of sale was executed in the name of John Usher, a Boston merchant, who had been at one time the treasurer of the colony. There were rumors that the king wished to secure the Province of Maine for his natural son, the Duke of Monmouth; for that reason the agents hastened to conclude the transaction with Usher for £1,250. The original receipt of purchase money, with Gorges's seal in red wax, is in "Massachusetts Archives," III., 332, and is printed by the Maine Historical Society, "Collections," II., 264.

It is believed that the original deed to Usher does not exist. A certified copy is in the "Crown Commission Book," in the office of the secretary of state in Boston, and a similar transcript is in "Massachusetts Archives," III., 323-328. A certified copy was made by Edward D. Bangs, secretary of the commonwealth of Massachusetts, for a "Statement on the Part of the United States, of the Case Referred, in Pursuance of the Convention of 1827 . . . " (printed but not published, Washington, 1829), Appendix XI., 93-96. From the transcript in the "Archives" it was printed by the Maine Historical Society, "Collections," II., 257-260.

The text adopted is that of the transcript in the "Archives."

Text.

THIS INDENTURE made the Thirteenth Day of March in the Thirtieth Year of the Reign of Our Sovereign Lord

Charles the Second by the Grace of God of England, Scotland France and Ireland King Defender of the Faith &c. Annoqꝫ Domini. 1677. Between Ferdinando Gorges of Clewer in the County of Berks in the Kingdom of England Esq^{r} Son and Heir of John Gorges late of the City of Westminster in the County of Middlesex Esq^{r} Deceased who was Son and Heir of S^{r} Ferdinando Gorges late of Aston Phillips in the County of Somersett Knight of the One part, and John Usher of Boston in New England in America Merchant of the other part. Witnesseth That the said Ferdinando Gorges for and in Consideration of the Sum of One Thousand Two Hundred and Fifty Pounds of lawful English Money to him the said Ferdinando Gorges in hand well and truly paid by the said John Usher at and before the Sealing and Delivery of these Presents, The Receipt whereof the said Ferdinando Gorges doth hereby Acknowledge and thereof and of every part thereof doth Absolutely Acquit Discharge and Release the said John Usher his Heirs Executors and Administrators, and every of them by these Presents Hath Granted Bargained and Sold, and by these Presents Doth Grant Bargain and Sell unto the said John Usher and his Heirs All That County Palatine Part Purporty or Portion of the Main Land of New England aforesaid called or known by the Name of the Province or County of Maine, beginning at the Entrance of Piscataway Harbour and so to pass up the same into the River of Newichewannock and through the same unto the furthest Head thereof, and from thence Northwestward till One Hundred and Twenty Miles be finished; and from Piscataway Harbour mouth aforesaid Northeastward along the Sea Coast to Sagadahock, and up the River thereof to Kynybequy River, and through the same unto the Head thereof, and into the Land Northwestward until One Hundred and Twenty Miles be ended, being Accompted from the Mouth of Sagadahock, and from the Period of One Hundred and Twenty Miles aforesaid to cross overland to the One Hundred and Twenty Miles and, formerly reckoned up into the Land from Piscataway Harbour through Newichewannock River: And Also the North half of the Jsles of Shoales together with the Jsles of Capawocke and Nawtican near Cape Cod. as also all the Jslands and Jslets lying within Five Leagues of the Maine all along the aforesaid Coasts between the aforesaid Rivers of Piscataway and Sagadahock, and all Lands Grounds Places Soils, Woods Waters Rivers Lakes Ports Havens Creeks and Harbours to the said Province Limits and Premisses or any part thereof belonging or in any wise appertaining or accepted or being part parcel or member thereof. And also all and Singular Royalties Fishings Royal and other minerals mines of Gold & Silver or other Metal or Mineral whatsoever, Waifes, Estrayes, Pyrates goods, Deodands, Fines, Amerciaments, Wrecks, Treasure, Trove goods and Chattels of Felony and Felons of themselves, Jura Regalia, Powers, Rights, Jurisdictions Ecclesiastical Civil Admiral and Military Priviledges Prerogatives Governments Liberties Jmmunities Franchises Authorities Profits Preheminences and Hereditaments whatsoever with their and every of their Rights Members and Appurtenances happening growing arising or accruing or to be exercised extended or enjoyed within the said Province Limits Coasts or other the Premisses or any part thereof, And also all other the Lands Tenements Jura Regalia Powers Franchises, Jurisdictions Royalties Governments Priviledges and Hereditaments whatever granted or mentioned or intended to be granted unto the said S^r^ Ferdinando Gorges his Heirs and Assigns by Letters Patents under the Great Seal of England bearing Date the Third Day of April in the Fifteenth Year of the Reign of Our late Sovereign Lord King Charles the first, or by any other Letters Patents Charters Deeds or Conveyances whatsoever; And also all other the Lands Tenements Royalties Jurisdictions Governments Franchises and Hereditaments whatsoever of him the said Ferdinando Gorges Situate lying and being or happening arising or accruing or to be exercised or enjoyed within New England aforesaid or elsewhere in America aforesaid, and the Reversion and Reversions Remainder and Remainders Rents Jssues Services and Profits of all and Singular the Premisses and every part and parcel thereof, And all the Estate Title Interest Equity Trust Claim and Demand whatsoever of him the said Ferdinando Gorges of in and unto the Premisses and every part and parcel thereof. To Have and to Hold the said County Palatine Lands Tenements Jurisdictions Governments Franchises Hereditaments and Premisses therein before expressed and intended to be hereby granted Bargained Sold and Conveyed, and every part and parcel thereof, with their and every of their Rights members and Appurtenances unto the said John Usher his Heirs and Assigns, To the only Use and Behoof of the said John Usher his Heirs and Assigns forever. And the said Ferdinando Gorges for himself his Heirs Executors and Administrators and every of them doth Covenant Promise and Grant to and with the Said John Usher his Heirs & Assigns by these Presents, That he the said Ferdinando Gorges (Notwithstanding any Act Matter or anything by him the said Ferdinando Gorges or the said John Gorges his late Father Dec̃ed, or the said S^r Ferdinando Gorges done executed or suffered to the Contrary) now is and Standeth Seized of an Absolute perfect and Indefeasable Estate of Jnheritance in Fee Simple of and in the said County Palatine Lands Tenements Jurisdictions Franchises Hereditaments and Premisses hereby granted and Conveyed or mentioned or intended to be hereby granted and Conveyed and every part and parcel thereof, with their and every of their Rights Members and Appurtenances without any manner of Condition Restraint Contingency Limitation or power of Revocation to Alter Charge Clog Evict or determine the same. And also that the said Ferdinando Gorges for and notwithstanding any act or thing as aforesaid now hath full power true Title real Jnterest and Absolute Authority to Grant and Convey the said County Palatine Lands Tenements Jurisdictions Governments Franchises Hereditaments and Premisses, and every part and parcel thereof with their and every of their Rights Members and Appurtenances unto the said John Usher his Heirs and Assigns as in and by these Presents is mentioned and expressed. And Further that the said County Palatine Lands Tenements Jurisdictions Governments Franchises Hereditaments and Premisses hereby Conveyed or mentioned and expressed to be hereby Conveyed at the time of the Sealing and Delivery of these Premisses are and so at all times hereafter shall remain Continue and be to the said John Usher his Heirs and Assigns free and clear, and freely and Clearly Acquitted Discharged and Jndemnified or otherwise Sufficiently and effectually Saved harmless of and from all manner of former and other Gifts Grants Bargains Sales Wills Entails Mortgages Rents Charges Arrearages of Rents Fines Amerciaments Statutes Recognizances Judgments Debts & Accompts to the Kings Majesty, Jntrusions Seizures Extents & Executions and of and from all and Singular other Charges Estates Titles Troubles Jncumbrances and Demands whatsoever had made committed procured occasioned, done or suffered by the said Ferdinando Gorges or by the said John Gorges late Father of the said Ferdinando Gorges, or by the said S^r Ferdinando Gorges or by any other Person or Persons whatsoever. Claiming by from or under him them either or any of them. Except all Leases Grants and Conveyances of any Lands parcel of the Premisses Bona Fide made by the said John Gorges Deceased or by the said S^r Ferdinando Gorges in Order to the planting of the same Province upon which is reserved respectively some acknowledgment Rent Duty or Service, and also except One Jndenture of Grant and Confirmation made by the said Ferdinando Gorges unto One Nathaniel Phillips of parcel of the Premisses bearing Date the Sixth Day of May in the Two and Twentieth Year of His now Majesty's Reign, and to the Heirs of the said Phillips, and the said Ferdinando Gorges for himself his Heirs Executors and Administrators doth Covenant Promise and Grant to and with the said John Usher his Heirs and Assigns, and all and every other Person and Persons lawfully having Claim of or deriving any manner of Estate Right Title Jnterest Equity Trust or Demand whatsoever of in or to the said County Palatine Lands Tenements Jurisdictions Governments Franchises Hereditaments and Premisses hereby conveyed or mentioned or intended to be hereby Conveyed, and every part and parcel thereof, with their and every of their Rights Members and Appurtenances by from or under him the said Ferdinando Gorges or John Gorges Dec̃ed, or by from or under the said S^r Ferdinando Gorges either or any of them (except as before excepted) Shall and will from time to time and at all times hereafter during the Space of Seven Years next ensuing the Date of these Presents upon the reasonable request and at the Cost and Charges in the Law of the said John Usher his Heirs or Assigns make suffer perfect and Execute or cause and procure to be made Suffered perfected and executed all and every such further and other lawful and reasonable Act and Acts thing and things Device and Devices Conveyances and Assurances in the Law whatsoever for the further better more absolute and effectual Surety and Sure making of the said County Palatine Lands Tenements Jurisdictions

Goverments Franchises Hereditaments and Premisses with their and every of their Rights Members and Appurtenances unto the Said John Usher his Heirs and Assigns according to the true Jntent and meaning of these Presents Be it by Fine or Fines with Proclamations Recovery or Recoverys Deed or Deeds inrolled, the Jnrollment of these Presents Release Confirmation or otherwise or by all or as many Ways or means whatsoever as by the said John Usher his Heirs and Assigns or his and their Council learned in the Law shall be reasonably devised advised or required : so as no further or other Warranty or Covenant be therein contained or imployed than against such Person and Persons respectively, who shall be so required to make the same : and so as such Person and Persons be not Compelled or Compellable to travail further for the Doing thereof than the place of his or their Habitation. In witness whereof the Parties abovenamed to these Present Jndentures have Jnterchangeably set their Hands and Seals the Day and Year first above written

Ferdinando Gorges
& A Seal Append^{t}

Deed of Maine to John Usher

Endorsed

Sealed and Delivered with these Words (& also Except One Jndenture of Grant and Confirmation made by the said Ferdinando Gorges unto One Nathaniel Phillips of parcel of the Premises bearing Date the Sixth Day of May in the Two and Twentieth Year of His now Majestys Reign and to the Heirs of the said Phillips) interlined between the Eight and Thirtieth and Nine and Thirtieth lines of this Jndenture before the insealing and Delivery thereof in the Presence of us,/ Robert Lee, Richard Penner. John Phillips
Robert Humphreys. William Hawkins

Irrotulatur in Memor anđ Sac̃i Doni Regis Caroli Sẽdi apud Westm̂ (Vizt) inter Cont̃ de Ter̃m̃io Parch^{d} anno tricessimo Rothe eg. p̄te Remendator ejus^{d} Dñi Regis —

Creggins.

LXXXIII.

DEED OF THE PROVINCE OF MAINE TO THE GOVERNOR AND COMPANY OF MASSACHUSETTS BAY, BY JOHN USHER.

MARCH 15/25, 1677/8.

Sources.

The deed of the Province of Maine to the Governor and Company of Massachusetts Bay, by John Usher, March 15/25, 1677/8, followed the transfer from Gorges to Usher by only two days. The Province of Maine was now by actual conveyance the property of Massachusetts. From that date until the separation in 1820 Masssachusetts exercises all the rights of sovereignty in the territory which, at last, she had legally acquired.

The deed of sale was recorded in the "Crown Commission Book," in the secretary's office in Boston, December 12/23, 1718, and in York, March 10/21, 1718/19. It was printed from the "Crown Commission Book" in a "Statement on the Part of the United States, of the Case referred in pursuance of the Convention of 1827 . . ." (printed but not published, Washington, 1829), Appendix XI., 96, 97; and from the York records by the Maine Historical Society, "Collections," II., 261-264.

The text adopted is that of "York Deeds," IX., fols. 158-160.

Text.

This Indenture Made the fifteenth day of March in y^{e} Thirtyeth year of y^{e} reign of Our Soveraign Lord Charles y^{e} Second by y^{e} grace of God of England Scotland ffrance & Ireland King Defend^{r} of y^{e} faith &c^{a} Annoq Domini 1677 Between John Vsher of Boston in New England in America Merch^{t} of y^{e} One part And y^{e} Governo^{r} & Company of of Massachusets Bay in New England of y^{e} Other part Witnesseth that y^{e} s^{d} John Vsher for & in Consideration of y^{e} Sum of One Thousand Two hundred and fifty pounds of Lawfull English money to him y^{e} s^{d} John usher in hand well & truely paid by y^{e} s^{d} Governo^{r} at & before the Sealing & Delivery of these presents y^{e} rec^{t} whereof y^{e} s^{d} John Usher doth hereby Acknowledge & thereof & of Every part thereof doth Absolutely Exonerate Acquit & discharge y^{e} s^{d} Governo^{r} & Company & their Successors by these presents hath granted bargained Sold released & Confirmed & by these presents doth grant bargain Sell release & Confirm unto y^{e} s^{d} Governo^{r} & Company their Successors & Assigns forever All that County Pallatine part purtorty or portion of y^{e} Maine land of New England Afores^{d} Called or known by y^{e} Name of y^{e} County or Province of Maine beginning at y^{e} Entrance of Piscattaqua Harbour & So to pass up y^{e} Same into y^{e} river of Newichewanock & through y^{e} Same unto y^{e} furthest head thereof & from thence Northwestward till One hundred & Twenty Miles be finished & from Piscattaway Harbours Mouth Afores^{d} Northeastward Along y^{e} Sea Coasts to Sacadehock & up y^{e} river thereof to Kynybegny river & through the Same unto y^{e} head thereof & into y^{e} land northwestward untill One hundred & twenty Miles be Ended being Accompted from y^{e} Mouth of Sagadahock & from y^{e} Perion of One hundred & Twenty Miles Afores^{d} to Cross over land to y^{e} One hundred & Twenty Miles End formerly reconed up into y^{e} land from piscataway harbour through Newichewanock river & Also y^{e} North halfe of y^{e} Isles of Shoals Together with y^{e} Isles of Capeawock and Nawtecan Near Cape cod As Also All y^{e} Islands

& Islets being within five Leagues of ye Maine All Along ye Aforesd Coasts between ye Aforesd rivers of Piscattaway & Sagadabock & All lands grounds places Soyles woods Waters rivers lakes ports Havens Creeks & harbours to ye sd to ye sd Province Limits & premisses or Any part thereof belonging or in any wise Appurtaining or Accepted or being part parcell Member thereof & Also All & Singular Royaltys ffishings Royall & other Minerals Mines of Gold & Silver or other Mettal or Mineral whatsoever Waifs Estrayes Pirates goods Deodands fines Amerciamts wrecks Treasure Trove goods & Chattells of ffellons & ffellons of themselves Jura Regaliee powers rights Jurisdictions Ecclesiastical Civill Admiral & Millitary priviledges prerogatives Governmts Libertys Imunitys ffranchises Authoritys profits preheminencies & heriditamts whatsoever with their & Every of their rights members & Appurtenances happening growing Ariseing or Accrueing or to be Exercised Extended or Enjoyed with in ye sd Province Limits Coasts or other ye premisses or Any part thereof with all other ye Lands Tenemt & heriditamts Royaltys & Jurisdictions whatsoever in New England in America or Elsewhere in America Aforesd of Sr fferdinando Georges Knight decd John Gorges Esqr decd & fferdinando Georges Esqr or Either of them in As full & Ample manner to all Intents Constructions & purposes As ye Same were granted & Conveyed unto ye sd Jno Vsher & his heires & ye reverc̃on & revercons remainder & remainders rents Issues Services and profits of All & Singular ye premisses & Every part & parcell thereof And All ye Estate Title Interest Equity trust Claime & Demand whatsoever of him ye sd John Vsher of in & to ye premisses & Every part parcell thereof And All ye Estate Title Interest Equity trust Claime & Demand whatsoever of him ye sd John Vsher of in & to ye premisses & Every part & parcell thereof. Together with all Letters Pattents deeds Evidencies and writings Concerning y^{e} premisses only or only Any part thereof To Have & To Hold thes^{d} County Pallatine Lands Tennement Jurisdictions Governm^{ts} ffranchises heriditam^{ts} & premisses herein before Expressed and Intended to be hereby granted bargained Sold & Conveyed & Every part & parcell thereof with their & Every of their rights members & Appur^{cis} unto y^{e} s^{d} Governo^{r} & Company their Successors & Assigns to y^{e} only use & behoofe of y^{e} s^{d} Governo^{r} & Company their Successors and Assigns forever Together with all Letters Pattents Deeds Evidences & writings Concerning y^{e} premisses only or only Any part thereof & y^{e} s^{d} John Vsher for himselfe his heirs Ex^{rs} & Adm^{rs} & Every of them doth Covenant promiss & grant to & with y^{e} s^{d} Governo^{r} & Company their Successors & Assigns by these presents that he y^{e} s^{d} John Vsher Notwithstanding Any Act matter or thing by him y^{e} s^{d} John John Vsher or any Claiming by from or under him done Executed or Suffered to y^{e} Contrary Now is & Standeth Siezed of An Absolute perfect & Indefeazible Estate of Inheritance in ffee Simple of & in y^{e} s^{d} County Pallatine Land Tenements Jurisdictions Governm^{ts} ffranchises Heriditam^{ts} & premisses hereby granted & Conveyed or Mentioned or Intended to be hereby granted & Conveyed & Every part & parcell thereof with their & Every of their rights memb^{rs} & Appurtenances without Any Manner of Condition restraint Contingency Limitation or power of revocation to Alter Change Clogg Evict or determin y^{e} Same & Also that y^{e} s^{d} John Vsher for & Notwithstanding Any Act or thing As afores^{d} Now hath full power True Title real Interest & Absolute Authority to grant & Convey y^{e} s^{d} County Pallatine lands Tenements Jurisdictions Governm^{ts} ffranchises Heriditam^{ts} & premises & Every part & parcell thereof with their & every of their rights Members & Apurten^{ces} unto y^{e} s^{d} Governo^{r} & Company their Successors & Assigns As in & by these presents is Mentioned &

Expressed And further that y^e^ s^d^ County Pallatine Lands Tenem^ts^ Jurisdictions Governm^ts^ ffranchises Heriditam^ts^ & premisses hereby Conveyed or Mentioned & Expressed to be hereby Conveyed At y^e^ time of y^e^ Sealing & Delivery of these p^r^sents are & So At any time hereafter Shall remaine Continue & be to y^e^ s^d^ Governo^r^ & Company their Successors & Assigns free & Clear & freely & Clearly Acquitted discharged & Indempnified or otherwise Sufficiently & Effectually Saved harmless of & from all maner of former & other gifts grants bargains Sales Wills Entails Mortgages rent Charges Arrearages of rent fines Amerciam^ts^ Statutes recognezances Judgm^ts^ Debts & Accompts to y^e^ Kings Maj^ty^ Intrusions Seizures Extents & Executions & of & from all & Singular other Charges Estates titles troubles Incumbrances & demands whatsoever had made Comitted procured Occasioned done or Suffered by y^e^ s^d^ John Vsher or by Any other p^r^son or p^r^sons whatsoever Claiming by from or under him or Any of them Excepting One Indenture of Lease for y^e^ premisses One Thousand years bareing date the fourteenth day of this Insta^t^ March One thousand Six hundred Seventy Seven & Made or Mentioned to be made between y^e^ s^d^ John Vsher of y^e^ first part & fferdinando Gorges of Clewers in y^e^ County of Berks Esq^r^ of y^e^ other part for y^e^ Consideration therein Mentioned. And y^e^ s^d^ John Vsher for himselfe his heirs Ex^rs^ & Adm^rs^ doth Covena^t^ promiss & Grant to & with y^e^ s^d^ Governo^r^ & Company their Successors & Assigns by these presents that y^e^ s^d^ John Vsher his heirs & Assigns & All & Every other p^r^son & persons Lawfully haveing Claiming or deriving Any Maner of Estate right Title Interest Equity trust or demand whatsoever of in or to y^e^ s^d^ County Pallatine Lands Tenem^ts^ Jurisdictions Governm^ts^ ffranchises Heriditam^ts^ & premisses hereby Conveyed or Mentioned or Intended to be hereby Conveyed & Every part & parcell thereof with their &

Every of their rights members & Appurtenances by from or und^{r} him y^{e} s^{d} John Vsher or any Claiming by from or under him Except before Excepted) shall & will from time to time & At all times hereafter dureing y^{e} Space of Seven years Next Ensueing y^{e} Date of these presents upon y^{e} reasonable request & At y^{e} Cost & Charges in y^{e} Law of y^{e} s^{d} Governo^{r} & Company their Successors or Assigns make Suffer perfect and Execute or Cause to be made Suffered perfected & Executed all & Every Such further & other Lawfull & reasonable Act & Acts thing & things device & devices Conveyances & Assureances in y^{e} Law whatsoever for y^{e} further better more Absolute & Effectual Surety & Sure makeing of y^{e} s^{d} County Pallatine Lands Tenem^{ts} Jurisdictions Governments ffranchises heriditam^{ts} & premisses with their & Every of their rights Members & Appurtenances unto y^{e} s^{d} Governo^{r} & Company their Successors & Assignes According to y^{e} True Intent & Meaning of these presents be it by fine or fines with Proclamations recovery or recoverys deed or deeds Inrolled y^{e} Inrollm^{t} of these presents release Confirmation or otherwise or by all or As many wayes or Means whatsoever as by y^{e} s^{d} Governo^{r} & Company their Successors & Assigns or their or Any of ther Councill Learned in y^{e} Law shall be reasonably Devised Advised or required So as No further or other Warranty or Covenant be therein Contained or Imployed than Against Such person & persons respectiuely who Shall be So required to make y^{e} Same & So As Such person & psons be not Compelled or Compellable to Travail further for y^{e} Doing thereof than y^{e} place of his or their Habitation. In Witness whereof the partys Above Named to these present Indentures have Interchangeably Set their hands & Seals y^{e} day & year first above written./—

Signed Sealed & Delivered John Vsher (Seal) with these words/. with all other ye Land Tenemts & heriditamts royaltys & Jurisdictions whatsoever in New England or Elsewhere in America Aforesd of Sr fferdinando Georges Knt decd & John Georges Esqr decd & fferdinando Gorges Esqr or either of them) Interlined between ye Eighteenth & Nineteenth Lines) And these word Together with all Letters pattents deeds Evidences & Writings Concerning the premisses Only or only Any part thereof Interlined Also between ye Twentyeth & One & Twentyeth lines of ye Within written Indenture & ye rasure made in ye Seven & Thirtyeth And Eight & Thirtyeth lines thereof between ye Words or any of them & Excepting before ye Ensealing & Delivery hereof in presence of us

William Stoughton
Peter Bulkeley
Butler Buggin
Robert Humphreys
Barth : Burton

Recorded in ye records in ye Secretarys Office in Boston ye 12th day of Decr 1718 —

p J Willard Secretry

Recorded According to ye Original March 10th 1718/9

p Jos. Ham̄ond Regr

LXXXIV.

ORGANIZATION OF GOVERNMENT IN THE PROVINCE OF MAINE, BY THE GENERAL COURT OF MASSACHUSETTS BAY.

FEBRUARY 4/14, 1679/80.

Sources.

The displeasure of King Charles II. at the purchase of the Province of Maine, which he had designed for the Duke of Monmouth, necessitated some action on the part of Massachusetts that would insure protection of paramount rights in the purchased possessions. To meet the emergency a provincial assembly was arranged, and Thomas Danforth, deputy-governor of Massachusetts, was appointed president of the Province of Maine.

Extracts from "Records of the Governor and Company of the Massachusetts Bay in New England," V., 263, 286, 287, will show the character of the new government.

Text.

[February 4/14, 1679/80.]

This Court, taking into consideration the necessity of a speedy establishing a gove^{r}m^{t} in the Prouince of Majne, & the present season requiring a speedy issue of this sessions of Court, the honoured council of this jurisdiction is requested, and heereby empowred, to take order for setling the sajd goũment, and appointing a praesident, wth justices of the peace & other officers, as is directed in M^{r} Gorges patent, & to com̄issionate the same accordingly vnder the seale of this colony; and this to be in force vntil the next Court of Election here, & vntill further order to be taken by this Court therein. . . .

[June 4/14, 1680.]

To the inhabitants of Casco, wthin the Province of Mayne Gent^{n} & loving Friends: —

Wee are informed that some disturbance hath been given yow in yo^{r} resetling, by the threatnings of some persons whose practises cannot be warranted by his maj^{ties} royall charter, granted to S^{r} Ferdinando Gorges, Kn^{t}, who was the first proprietor of sajd province, and the right whereof is now invested in ourselues. These are to signify vnto you, that as wee haue taken order for the setling of government according to sajd charter, so our care shalbe for the protection & prouission in all respects, as in duty wee are bound, & for yo^{r} better incouragement and security, haue made a grant of a touneship vpon the northern side of your bay, and are consulting the peopling & improovement of the islands adjacent; and on signification from yourselues of what is necessary by us further to be doune for the security of your peaceable setlement, shall giue the same a due allowance in our consultations, and make such concessions as may consist with his maj^{tjes} royall grant of sajd charter & your best good. Wee haue no more to add, but commend you to the guidance & proteccõn of Him who is God Allmighty, and are

Gent^n, your loving friends,
SYMON BRADSTREET, Goũn^r.

By the order of the Goũno^r & Company of Y^e Massachusets Bay.

Boston, in New Engl̄d, 4 June, 1680.

[June 11]

It is ordered, that M^r Bartholomew Gidney, Esq̧, Capt̄ Joshua Scottow, & M^r Silvanus Dauis be a com̄ittee to mannage the affaires of the new plantation granted at Casco Bay, and are heereby impowred, for the bennefit of sajd plantation in building a fort, to sell one hundred pounds worth of land wthin the sajd province. . . .

The Court, hauing read the returne of our present honnord Dep^t Goũn^r, Thomas Danforth, Esq̧, praesident of the Province of Mayne, & other gentlemen imployed in the setlement of government there, doe approove thereof, and thankefully accept of their good service therein, & shallbe willing & ready to manifest the same, as occasion may present, in such suitable retribution as may euidence the reallity of our thankfulnes for their extraordinary pajnes & labour therein, not doubting of his honno^{r}s readynes to be further serviceable in anything wherein wee may haue occasion & himself oppertunity so to doe.

LXXXV.

THE WRIT OF QUO WARRANTO, BY KING CHARLES II. OF ENGLAND.

$\substack{\text{JUNE } 27\\ \text{JULY } 7}$, 1683.

Sources.

During the Gorges-Mason controversy it was evident that there were schemes on foot to deprive Massachusetts of the prerogatives she had so long exercised. When Edward Randolph arrived with the writ of *quo warranto* which the king issued $\substack{\text{June } 27\\ \text{July } 7}$, 1683, the blow had at last fallen.

A proclamation, issued in July, assured the colonists that the writ did not affect private interests, and that, on submission and resignation, the charter should be regulated "in such manner as shall be for our service and the good of that our colony;" also that persons "questioned" must maintain suit at their own charges ("Massachusetts Records," V. 423).

Since the writ had failed to intimidate the pertinacious people of Massachusetts Bay, a *scire facias* was issued and the charter was cancelled by the high court of chancery June 18/28, 1684. After the accession of James II. in 1685 an "Exemplification of the Judgment for vacating the Charter of the Massachusetts Bay in New England" set forth the grounds of such proceedings. The principal causes alleged were the levying of money without authority, the "coyning" of money, and the imposing of an oath of fidelity to their government. The "Exemplification" was published from a contemporary manuscript in the possession of the Massachusetts Historical Society, "Collections," Fourth Series, II., 246–278.

A Latin transcript of the *quo warranto* "y^t was isued out ag^t the Gou̅no^r & Company" is in "Massachusetts Archives," CVI., 301, and is also in the printed "Massachusetts Records," V., 421-422. With the peculiar seventeenth-century abbreviations it is in the present day a legal curiosity rather than an intelligible threat. That the continuity of events may be preserved the writ is included in this series of documents.

The text is that of the printed "Records."

Text.

Carolus Sẽ^{d}us, Dej ^{gra} Angł, Sco^{e}, Franc̃, & Hiƀnia, Rex, Fidej Defenso^{r}, sc̃ viłibz London, salŧm p^{r}cipim & voƀ q^{d} venire fa^{c} corã noƀ a dje in Michis ̃in tres sepŧm, vbicuncꝗ tunc fuim̃ in Angł, Symon Bradstreet, nuꝑ de London, Ar̃, Thomã Danforth, de eađm, Ar̃ Daniel Gookin, de eađm, Ar̃, Joħem Pinchen, de eađm, Ar̃, Willjam Stoughton, de eađm, Ar̃, Petrū Bulkley, de eađm, Ar̃, Nathanieł Saltenstall, de eađm, Ar̃, Humfriđ Davy, de eađm, Ar̃, Willĩ Broune, de eađm, Ar̃, Samueł Nowell, de eađm, Ar̃, Joħem Hull, de eađm, Ar̃, Jacobū Russell, de eađm, Ar̃, Petrū Tylton, de eađm, Ar̃, Bartholõ Gidney, de eađm, Ar̃, Samueł Apleton, de eađm, Ar̃, Robertū Pyke, de eađm, Ar̃ Danieł Fisher, de‸, yeom̃, Joħem Wajte, de eađm, yeom̃, Wjlłm Johnson, de eađm, yeom̃, Edm̃ Guinsey, de eađm, yeom̃, Elisha Cooke, de eađm, Geñ, Elisha Hutchinson, de eađm, mercator̃, Edm̃ Batter, de eađm, yeom̃, Laurentin̄ Hamond, de eađm, yeom̃, Josepher Dudley, de eađm, Ar̃, Joħem Richards, de eađem, Ar̃, Williã Torrey, de eađm, yeom̃, Joħem Faireweather, de eađm, yeom̃, Anthony Stodder, de eađm, yeom̃, & Danieł Turell, Señ, de eađm, nigđr̃ fferrar̃, al respondenŧ noƀ quo warranto clamat ħere, vtj et gaudere diñes libertaŧ, priuileg̃ et franches infra ciuiŧ London, & liƀtaŧ ejusđm ac in om̄ibz locis extra ciuiŧ London p^{r}đ, infra hoc regñ Angł, nec non in qua plur̃ partibz tr̃nsmar̃m, extra hoc regñ Angł unde impetit sunt es^{t}heat ibi hoc brẽ.

THOMA JONES, mił apud Westm̃, xxvij die Junij, ann^{o} regni ur̃i xxxv.

ASTRY

LXXXVI.

DEED TO RICHARD WHARTON OF LANDS ON THE ANDROSCOGGIN RIVER, BY WORUMBO AND OTHER SAGAMORES.

July 7/17, 1684.

Sources.

The deed of lands on the Androscoggin River to Richard Wharton by Worumbo and other Sagamores, July 7/17, 1684, has played so important a part in the controversies of the Pejepscot Company that it is printed entire in this collection.

Richard Wharton was a lawyer who wished to establish for himself a "manory" in New England; with that end in view he procured from the heirs of Purchase and Way all their rights under the Pejepscot patent. He further extended those rights by a deed from Worumbo, which not only included the territory covered by the Purchase claims but gave an "enlargement to the westward." By sale from Shapleigh Wharton also became the owner of Merriconeag and Sebascodegan. Although the Indians denied any transfer to the Kennebec Company, they always acknowledged the validity of the conveyance to Wharton. Depositions state that possession was formally given $\genfrac{}{}{0pt}{}{\text{July }26}{\text{August }5}$ by "turffe and twig and bottle of water." This was one of the rare instances in which "seizin" was given according to all the ancient ceremonial. After Wharton died insolvent in 1689, Captain Ephraim as administrator sold the estate to the Pejepscot proprietors, November 5/16, 1714, the deed was recorded that same month at York. It was not, however, until 1814 that the General Court of Massachusetts terminated the long controversy concerning the "Upper Falls."

The Pejepscot "Records" and "Papers," which are in the archives of the Maine Historical Society, contain valuable material relative to the history of the proprietors under the Worumbo deed. A transcript of the deed is in "Pejepscot Papers," VII., 147a; the original, with livery and depositions was recorded in "York Deeds" IV., fols. 14-16;

and it has been printed by George Augustus Wheeler and Henry Warren Wheeler, "History of Brunswick, Topsham, and Harpswell, Maine, including the Ancient Territory known as Pejepscot" (Boston, 1878), 12-15.

The text adopted is that of the "York Deeds."

Text.

To all people to whome these Presents shall come/ Know yee that w^{r}as neare three scoore years since, Mr. Thomas Purchase deceased, came into this Countrey as wee haue been well Informed, & did as well by pouer, or Pattent deriued from the King of England, as by Consent, Contract, & agreement, with Sagamores & proprietors of all the lands lijng on the Easterly side of Casco Bay, & on the both sides of Androscogan Riuer, & Kenebecke Riuer, enter vpon & take possession of all the Lands, lijng foure Miles Westward from the uppermost falls, In sayd Androscoggan riuer, to Maquoit In Casco bay, & on the Lands on the other side Androscoggan Riuer, from aboue sd falls down to Pegipscott & Merry meeteing bay, to bee bounded by a South West & North East lyne, to runne from the vpper part of sd falls to Kenebecke Riuer, & all the Land from Maqcooit to Pegipscott, & to hould the same breadth where y^{e} Land will beare it, down to a place called Atkines his Bay, Neare to Sagadehock are the Westerly side of Kenebecke Riuer, & all the Yslands In the sayd Kenebecke Riuer & land between the sd Atkines his bay, & small poynt Harbour, the Land & riuer & ponds interiacent, Contajneing y^{r}in breadth, about three English Miles more or less; And w^{r}as wee are well Assured, that Majo^{r} Nicho^{s} Shapleigh In his life tyme, was both by purchase from the Indeans Sagamores, our Ancestors, & Consent of M^{r} Gorg^{s} Comissio^{r} possessed, & dyed seized of the remajnder of all y^{e} Lands, lijng & Adioyneing vpon the Mayne, & all the Yslands between the sd small Poynt Harbour, & Mayquoit aforesd, & Prticularly of a

Necke of land called Mereconeeg, & an ysland Called Sebascoa Diggin, & w^{r}as the relicts & heyres of sd Mr Purchase, & Majo^{r} Nichol^{s} Shapleigh haue reserved accom̄odations for thejr seuerall familys, sould all the remainder of the aforesd Land, & Ysland, to Richard Wharton of Boston M^{r}chant & for as much as the sd Mr Purchase did Personally possess, Improue, & Inhabitt, at Pegipscott aforesd, neare the Center or middle of all the Lands aforesd, for neare fiuety yeares before the late unhappy warr, And w^{r}as the sd Richard Wharton hath desired an Inlargement vpon, & between the sd Androscoggan & Kenebecke riuer, & to Incorage the sd Richard Wharton to Settle an English Town, & promote the Salmon & Sturgeon fishing, by which wee promiss o^{r}selues great supplies, & reliefe: Therefore & for other good Causes, & considerations, & especially for & In consideration of a ualewable sum̄e receiued from the sd Wharton In M^{r}chandize, Wee Warumbee Durum̄kine, Wihikermett Weedon, Domhegon Neonongasett, & Nimbanewett, Cheife Sagamores of all the aforesd & other Riuers, & land Adiacent, haue in Confirmation of the sd Richd Whartons Title, & propriety, fully freely & absolutely giuen granted ratify'd, & Comfirmed to him the sd Richd Wharton all the aforesd Land, from the vppermost part of Androscoggan falls foure Miles Westward & so down to Maquoitt & by sd Riuer of Pegypscott, & from the other side of Androscoggan Falls, all the Land from the ffalls to Pegypscott, & Merrimeeting Bay to Kenebecke, & towards the Willderness to bee bounded by a South West & North East lyne to extend from the vpper part of the sd Androscoggan vppermost ffalls, to the sayd River of Kenebecke, And all the Land from Maquoit to Pejepscott, & to runne & hould the same breadth w^{r} the Land will beare it, unto Atkines his Bay In Kenebecke Riuer, & Small poynt Harbo^{r} In Cascoe Bay, & all Yslands In Kenebecke, &

Pejepscott Riuers, & merrimeeteing Bay and with in y^e aforesd bounds, espetially the aforesd Necke of Land called Merecaneeg And Ysland called Sebascoa Diggine, togeather, with all Riuers Riueletts, brookes ponds, poules, waters water Courses, all wood trees of Tymber, or other trees, & all mines, Minneralls quaries, & espetially the soole & absolute uss and benefitt of Salmon & Sturgeon fishing, in all the Riuers, riuerletts or Bays aforesayd, and in all Riuers brookes, Crickes, or pond with in any of the bounds aforesd, & also wee the sd Sagamors haue vpon the Considerations aforesd, given granted barganed & sould, enfeoffed & Confirmed, And do by these Presents, giue grant bargan & Sell, alliene, Infeoff & Confirme to him the sd Richd Warton all the Land lijng fiue Miles aboue the vppermost of the sayd Androscoggan ffalls, In breadth & lengh houlden the same breadth from Androscoggin falls to Kenebecke Riuer, & to bee bounded, by the aforesd south west & North East lyne, & a Parcell of lands at fiue Miles distance to runn from Androscoggin to Kenebecke Riuer as aforesd/ togeather with all the profetts priuiledges, Commoditys, benefitts, & Aduantages, & Perticularly the soole propriety, benefitt & aduantage of the salmon & Sturgion fishing with in bounds & lymitts aforesd/ To haue & to hould to him the sd Rich̄d Wharton, his heyrs and Assignes for euer, all the aforenamed land priueleges & priuiledges & Premisses, with all benefitts rights, appurtenances, or Aduantages, y^t now do, or hereafter shall or may belong unto any part or Parcell of the Premisses, fully freely & absolutely accquitted & discharg from all former & other Gyfts grants bargans Sailes, Morgages, & incomberances whatsoeuer/ And wee the sd Warrumbee Derumkine Whihkermett Wedon, Domhegon, Neonongassett & Nimbanuett, do couenant & grant to & with the sd Richard Wharton, that wee haue in our selues good right, & full pouer thus to Confirme & conuay the premisses and that wee our heyres & successors shall & will warrant, & Defend the sd Richd Wharton, his heyres & Assignes for euer, In the peaceable inioyment of the premisses, and euery part thereof, against all & euery Person or persons, that may legally Clajme any right, title, Interest or propriety in the premisses, by from or under us the aboue named Sagamores, or any of o^r Ancetors, or Predecessors/ Prouided neuertheless that nothing in this Deede, bee Construed to depriue us the sd Sagamores, successors or people, from Improueing o^r Antient planting, grounds, nor from hunting in any of the sayd Land, being not Inclosed, nor from fishing for our own prouission, so long as no dam̄age shall bee to the English ffishery/ prouided alsoe that nothing here in contajned, shall Preiudice any of the Inglish Inhabitants or planters, being at Present Actually possessed, of any part of y^e Premisses, & legally derıueing right from sd Mr Purchase, & o^r Ancestors, In witness hereof Wee the afore named Sagamores, well understanding the purport here of, do set to o^r hands & seales, at Pejepscott the Seuenth day of July, In the thirty fifth yeare of the Reign of our souergane Ld King Charles the secund one thousand six hundred eighty foure/

The marke of Warumbee/ (his seal)

The Marke of Darumkine (his seal)

of Weeden Domhegon/

The marke of (his seal) Mihikermett

of Nehonongassett his marke & (his seal)

The marke of Numbanuett/

Sealed & Deliuered
in the Presence of
John Blany/
James Andrews/
Henery Walters/
John Parker/
Geo: ffellt/

Memorandum that vpon the day of the date with in written Deede, the seuerall Sagamores whose names are subscribed y^{r}to & Inserted therein, did at the Fort of Pejepscott, deliuer quiett & peaceable possession of the Premisses, with Liuery & Ceizing; to Mr John Blany & his wife; & the sayd Mr John Blany & his wife, In thejr own right, as shee is Administratrix to the Estate of Mr Thom^{s} Purchase, Deceased, & in right of his children, also the sd Mr Blany as Atturney to Mr Eliazer Way, did the same day Deliuer quiett & peaceable possession, with Liuery & Ceizing, of the Premisses to Mr. Richard Wharton, the quantity of seaven hundred Acres of Land being Excepted, according to a former agreement/

Henery Walters/
John Parker/

Taken vpon oath this 19th of July 1684: this was sworne too by John Parker before mee

Edw: Tynge
Jus: pe:

LXXXVII.

EXTRACTS FROM A COMMISSION FOR A PRESIDENT AND COUNCIL FOR NEW ENGLAND, BY JAMES II. OF ENGLAND.

OCTOBER 8/18, 1685.

Sources.

The commission of James II. of England, October 8/18, 1685, was only the sequel to the writ of *scire facias* by which the High Court of Chancery had cancelled the "Colony Charter" of 1628/9. The government of a large part of New England was now established on a royal basis, with Joseph Dudley first president of the Council.

A copy of the commission, with the autograph signature of Edward Randolph, is among the "Trumbull Papers" presented to the Massachusetts Historical Society by the descendants of Governor Jonathan Trumbull of Connecticut. It was first printed entire from that source by the society in its "Collections," 5th Series, IX., 145-152; a brief extract was printed, from papers relating to Narragansett, communicated by Francis Brinley in 1798, in "Collections," 1st Series, V., 244–246; another extract is in "Rhode Island Records," III., 195-197.

The extracts in this compilation are reprinted from the Massachusetts Historical Society, "Collections," 5th Series.

Text.

James the Second, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c.

To all to whom these presents shall come, Greeting: Whereas a writ of scire facias hath been issued out of our High Court of Chancery against the late Governor and Company of the Massachusetts Bay in New England, whereby the government of that Colony and members thereof is now in our hands; and we being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner that due and impartial justice may be administered in all cases, civil and criminal, and that all possible care may be taken for the just, quiet, and orderly government of the same: Know ye, therefore, that we, by and with the advice of our Privy Council, have thought fit to erect and constitute, and by these presents for us, our heirs and successors, do erect, constitute, and appoint a President and Council to take care of all that our territory and dominion of New England in America, commonly called and known by the name of our Colony of the Massachusetts Bay, and our Provinces of Newhampshire and Maine, and the Narraganset country, otherwise called the King's Province, with all the islands, rights, and members thereunto appertaining, and to order, rule, and govern the same according to such methods and regulations as are hereinafter specified and declared, until our chief Governor shall arrive within our said Colonies.

And for the better execution of our royal pleasure in this behalf, we do hereby nominate and appoint our trusty and well-beloved subject, Joseph Dudley, Esq., to be the first President of the said Council, and to continue in the said office until we, our heirs or successors, shall otherwise direct; and we do likewise nominate and appoint our trusty and well-beloved subjects, Simon Bradstreet, Wm. Stoughton, Peter Bulkley, John Pynchon, Robert Mason, Rich^{d} Wharton, Wate Winthrop, Nathaniel Saltonstall, Bartho. Godney, Jonathan Tyng, John Usher, Dudley Bradstreet, John Hinkes, Francis Champernoon, Edward Tyng, John Fitz Winthrop, and Edward Randolph, Esqrs., to be of our Council within our said territory and Colony; and that the said Joseph Dudley and every succeeding President of the said Council shall and may nominate and appoint any one of the members of the said Council for the time being to be his deputy, and to preside in his absence, and that the said President or his deputy and any seven of the said Council shall be a quorum. And our express will and pleasure is that no person shall be admitted to sit or have a vote in the said Council until he hath taken the oath of allegiance and the oath hereafter mentioned for the due and impartial execution of justice and the faithful discharge of the trust in them reposed . . .

. . . And lastly, our will and pleasure is, that the said President and Council for the time being do prepare and send unto us such rules and methods of their own proceedings as may best suit with the constitution of our Territory and Dominion aforesaid, and for the better establishing our authority there and the government thereof, that we may alter or approve the same as we shall think fit. In witness whereof we have caused these our letters to be made patent.

Witness ourself at Westminster, the 8th day of October, in the first year of our reign [1685].

A true copy,

Ed. Randolph, *Secretary*.

LXXXVIII.

EXTRACTS FROM COMMISSION TO SIR EDMUND ANDROS AS GOVERNOR OF NEW ENGLAND, BY JAMES II. OF ENGLAND.

June 3/13, 1686.

Sources.

The commission to Sir Edmund Andros, June 3/13, 1686, included Plymouth Colony within his jurisdiction, in addition to the territory previously taken under royal control. During the interval since his appointment as governor of New York in 1674, Andros had been knighted in testimony of royal approval. In New England, where he ruled in the spirit of his royal master, and the "Ordinances" which accompanied his commission were held as the chief constitutional law, charter government was completely overthrown.

A manuscript copy of the commission of 1686 is in "Massachusetts Archives," CXXVI. It was first published in 1838, from the so-called "Usurpation Papers," by the Massachusetts Historical Society, "Collections," 3d Series, VII., 139-149; and again from manuscript by Peter Force, compiler, "Tracts and Other Papers, Relating to the Colonies in North America" (Washington, 1846 , IV., No. 8; from the first-named source it is reprinted in "Rhode Island" Records, III., 212-218. The text adopted is that of Force.

Text.

JAMES THE SECOND BY THE GRACE of God King of England Scotland France and Ireland defender of the faith &c. To our trusty and welbeloved Sr. Edmund Andros Knt. Greeting whereas the government of that part of our Territory and Dominion of New-England hereafter mentioned is now in our hands and being minded to give all protection and incuragement to our good subjects therein and to provide in the most effectuall manner for their security and welfare, Wee therefore resposing espetiall trust and confidence in the prudence courage and Loyalty of you the said Sr. Edmund Andros out of our espetial grace certaine knowledge and meer motion have thought fitt to constitute and appoint, And by these presents Do constitute and appoint you, the said Sr Edmund Andros to be Our Capt. Generall and Govr. in Chief in and over all that our Territory and Dominion of New-England in America Commonly called or known by the name of Our Colony of the Massachusetts Bay, our Colony of New Plimouth, and our Province of Newhampshire and Maine, the Narraganset country, otherwise called the King's Province, with all the Islands Rights and Members to the said Colonies & Territories in any wise appertaining And for your better guidance and direction wee do hereby require and command you to do & execute all things in due manner, that shal belong unto the said office and the trust wee have reposed in you, according to the severall powers Instructions, and authoryties mentioned in these presents or such further power instructions & authoryties as you shal herewith receive, or which shall at any time hereafter be granted and appointed you under our Signet and signe manuell or by our order in our Privy Councill, and according to such reasonable Laws and statutes as are now in force or such other as shal hereafter be made and established within that our Territory and Dominion aforesaid AND our will & pleasure is, that you the said Sr. Edmund Andros having (after your arrivall in New-England, and publication of these our Letters patents) first taken the Oath of Allegiance, together with the Oath of duly executing the office of our Capt Generall and GOVR. in Chiefe of our said Territory and Dominion, (which our said Council there, or any three of them are hereby required authorized and impowred to give and administer unto you) You shall administer unto such of the Members of our Councill, as well the Oath of allegiance as the oath of the due execution of their places and trust . . . AND LASTLY our will and pleasure is, that our Commission bearing date the seaven and twentieth Day of September in the first yeare of our Reigne constituting our trusty and well beloved Joseph Dudley Simon Bradstreet William Stoughton, Esqrs. and others to be our president and councill of our Territory and Dominion of New-England doe from the publication of these presents cease and become voide—And that You. the said Sr. Edmund Andros shall and may hold execute and enjoy the office and place of our Captain Generall and Governor in Cheif in and over our Territory and Dominion aforesaid with all its Rights Members and Appurtenances whatsoever, TOGETHER with all and Singular the powers and authorities hereby granted unto you, for and during our will and pleasure IN WITNESS whereof wee have caused these our Letters to be made pattents WITNESS our selfe at WESTMINSTER the third day of June in the second yeare of our Reigne.

PER BREVE DE PRIVATO SEGILLO.

BARKER.

LXXXIX.

ORDER FOR ANNEXATION OF PEMAQUID TO NEW ENGLAND, BY JAMES II. OF ENGLAND.

SEPTEMBER 19/29, 1686.

Sources.

By the "Royal Order" of September 19/29, 1686, the "ffort & Country" of Pemaquid was transferred from the jurisdiction of New York to the government of New England. The arbitrary and unnatural relation between New York and Pemaquid, which had been created for the aggrandizement of the Duke of York, was broken less from a desire to favor Pemaquid than that the Puritan spirit might be humbled by the promotion of Andros.

The "Order" is in the office of the secretary of state at Albany, "Deeds," VIII., 75; from this source it was first transcribed by Franklin B. Hough, compiler, "Papers Relating to Pemaquid and Parts Adjacent in the Present State of Maine, Known as Cornwall County, when under the Colony of New-York" (Albany, 1856), 130, 131. Hough's work is printed both separately and in Maine Historical Society, "Collections," V., Article II. From his text it is reprinted in the "Report of the Regents of the University on the Boundaries of the State of New York" (Albany, 1874), 39.

The text adopted is that of Mr. Hough in the "Pemaquid Papers."

Text.

James R.

Trusty & well beloved wee Greet you well. Whereas wee have thought fitt to direct that our ffort & Country of Pemaquid in Regard of its distance from New Yorke bee for the future annexed to & Continued under the Governm^{t} of our territory & dominion of New England our will &

pleasure is that you forthwith Deliver or cause to be delivered our said ffort & Country of Pemaquid with the Greate Gunns ammunĩcon & stores of warr together with all other Vtensills & appurtennces belonging to the said ffort into the hands of our trusty & welbeloved S^{r} Edmund Andross Knight our Captaine Generall & Gouvernour in Cheife of our territory & dominion of New England or to the Governour or Commander in Cheife there for the time being or to such person or persons as they shall Impower to receiue the same and for soe doing this shall be your warr^{tt}.

Given at our Court at Windsor this 19th day of Sept 1686 & in the second yeare of our Reigne.

By his Ma^{ties} Comand

SUNDERLAND Cl.

XC.

ABSTRACT OF THE TREATY OF LONDON, BETWEEN JAMES II. OF ENGLAND AND LOUIS XIV. OF FRANCE.

NOVEMBER 16/26, 1686.

Sources.

The treaty between James II. of England and Louis XIV. of France made at London, November 16/26, 1686, guaranteed "peace, good correspondence, and neutrality in America."

Jenkinson says, in a note on this treaty with France, that it contributed towards a confederacy to set the Prince of Orange on the throne of England. As the treaty expressly declared that no breach between the two kings in Europe should affect their respective colonies and subjects in America, an abstract of the principal articles is included in this collection of documents.

The text, in French, is found in Jean Dumont, "Corps Universel Diplomatique du Droit des Gens" (Amsterdam, 1731), VII., part ii., 141-143; from that source it is reprinted in "Mémoires des Commissaires du Roi et de ceux de sa majesté Britannique, sur les Possessions & les Droits respectifs des deux Couronnes en Amérique" (Paris, 1755), II., 81-89, and Edits, Ordonnances Royaux, Declarations, &c. . . . Concernant le Canada, ... printed by P. E. Desbarats (Quebec, 1803), I., 288.

It first appeared in English in "A Collection of Treaties of Peace and Commerce, containing all those that have been concluded from the Peace of Munster inclusive to this time" (London, 1714), 160-162. An abstract is in Charles Jenkinson, "A Collection of all the Treaties of Peace, Alliance, and Commerce, between Great-Britian and Other Powers, from . . . 1648 to . . . 1783" (London, 1785), I., 261-263.

Another abstract, in French as well as in English, is printed by Charles Lindsey, "An Investigation of the Unsettled Boundaries of Ontario" (Toronto, 1873), 110-115. The text adopted is that of Jenkinson, which claims to be an authentic version.

Text.

I. It is agreed, that there be a firm peace, re-union and amity between the British and French nations.

II. That no ships on either side be fittedout to attack the dominions of the other.

III. That no soldiers, or inhabitants of the English or French dominions, or others coming out of Europe, shall commit any hostilities, or any way assist the Indians.

IV. That both kings shall enjoy all the rights, &c. they are now possessed of in America.

V. That the subjects of neither shall trade, fish, &c. within the precincts of the other; and if any ship be found so doing, it shall be confiscated.

VI. Ships of either prince drove into the ports of the other, by stress of weather, or otherwise, shall be kindly treated.

VII. Ships happening to be wrecked, or endangered, shall receive all friendly assistance.

VIII. If so many ships be drove into a port as may give suspicion, they shall immediately acquaint the governor or chief magistrate with the cause of their coming, and stay no longer than the said governor or magistrate will allow, and shall be requisite for supplying themselves with provisions, and refitting.

IX. The King of Great Britain's subjects inhabiting the island of St. Christopher, may fetch salt from the saltpits; and those of the most Christian King may fetch water from the rivers of the great road; but both shall do it in the day time, and give notice of their coming by firing three guns; but if either traffic under pretence of fetching salt or water, the ship shall be forfeited.

X. Neither side shall harbour the wild natives, or the slaves or goods taken by them from the subjects of either nation.

XI. The subjects of neither prince shall disturb the subjects of the other in settling colonies, or in their commerce.

XII. All commanders of ships shall be enjoined not to do any injury to the other side.

XIII. To this end the commanders of privateers shall give fifeen hundred pounds security.

XIV. Neither side shall protect pirates, but both be obliged to punish them.

XV. No subject of either king shall take commission, or letters of mart, from any prince at war with the other, under penalty of being punished as a pirate.

XVI. The most Christian King's subjects shall have liberty to take tortoises in the island of Caymanes.

XVII. Differences between the subjects of the two kings to be amicably adjusted.

XVIII. If any breach should happen between the two kings in Europe, yet no hostilities shall be committed in America.

XIX. This treaty shall not derogate from the peace concluded at Breda in 1667.

XX. All treaties concluded heretofore between the two nations in America to remain in force.

XXI. This treaty to be ratified within two months, and published in all places in America, and elsewhere, within eight months.

XCI.

TREATY OF WHITEHALL, BETWEEN JAMES II. OF ENGLAND AND LOUIS XIV. OF FRANCE.

December 1/11, 1687.

Sources.

Since the "Instrument for preventing Acts of Hostility in America," drawn up at Whitehall, December 1/11, 1687, was only a provisional arrangement, although commissioners were appointed to execute the treaty of November 16/26, 1686, the limits were not settled and the treaty of "Neutrality" was of little effect.

The original manuscript of the provisional treaty is in the Dépôt de la Marine in Paris; it was transcribed from that source for the commissioners under the treaty of Aix-la-Chapelle, and is printed in both Latin and French in "Mémoires des Commissaires du Roi et de ceux de sa Majesté Britannique, sur les Possessions & les Droits respectifs des deux Couronnes en Amérique" (Paris, 1755), II., 89-92. An English translation is in the "New-York Entry Book," II., 179, and is printed from that source by Edmund Bailey O'Callaghan, editor, "Documents Relative to the Colonial History of the State of New York" (Albany, 1853), III., 505; an abstract is in Charles Lindsey, "An Investigation of the Unsettled Boundaries of Ontario" (Toronto, 1873), 114-116.

The text adopted is the English translation printed by O'Callaghan.

Text.

WHEREAS the most serene and mighty Prince James the Second King of Great Britain and the most Christian King have thought fitt to constitute Commissioners viz^{t} the said King of Great Brittain, the R^{t} Honorable Robert Earle of Sunderland President of His Ma^{tys} Councill and one of the Principall Secretaries of State, Charles E: of Middleton also Principal Secretary of State, and Sidney Lord Godolphin Lords of his Mat^{ys} Privy Councill, and on the other side the said most Christian King hath thought fitt to appoint the Sieur Barollan D'Amoncourt Marquis de Brauger, one of his Councillors of State in ordinary and His Ambassador extraordinary as likewise the Sieur Francis de Bourepaux Councillor in all his Councills Reader in Ordinary of his Bed-Chamber and Intendant Generall of the Marine affairs for the execution of the Treaty concluded the $\frac{6}{16}$ November in the year 1686 for the quieting and determining all controversies and Disputes that have arisen or may hereafter arise between the subjects of both Crowns in America as also to settle and determine the Bounds or Limitts of the Colonies, Islands, Lands, and Territories belonging to the said Kings and governed by their respective Governors or otherwise depending on the said Kings respectively in America. Wee the abovenamed Commissioners by virtue of the Powers granted unto us by the said Kings our Masters, Do by this present Instrument in their names promise, agree, and stipulate, that until the $\frac{1}{11}$ day of January $168\frac{8}{9}$ and afterwards from that day forwards until their said most

Serene Majesties shall send any new and express orders in writing concerning this matter. It shall not be lawfull for any Govern^{r} or Command^{r} in Chief of the Colonies, Islands, Lands, and Territories belonging to either Kings Dominions being in America, to commit any Act of Hostility against or to invade the subjects of the other King, nor shall the said Governors or Commanders in Chief, upon any pretence whatsoever suffer that any violence be done to them under Corporall punishment and penalty of making satisfaction with their Goods for the Dammage arising by such contravention nor shall any others do the same under the like Penalty

And to the end the said Agreement may have the better effect, Wee do likewise agree that the said Serene Kings shall immediately send necessary orders in that behalf to their respective Governors in America, and cause authentick Copies thereof to be also forthwith delivered to the other Party. In witness whereof, Wee have mutually hereunto sett our hands @ Seals

Given at the Palace at Whitehall the $\frac{1}{11}$ day of December 1687.

SUNDERLAND P. (L S) BARILLON DAMONCOURT (L S)
MIDDLETON (L S) DUSSON DE BOUREPAUX (L S)
GODOLPHIN (L S)

XCII.

EXTRACTS FROM COMMISSION TO SIR EDMUND ANDROS, AS CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF NEW ENGLAND, BY JAMES II. OF ENGLAND.

APRIL 7/17, 1688.

Sources.

The commission to Sir Edmund Andros, issued April 7/17, 1688, was merely an enlargement of his previous commission. By the new orders his jurisdiction included under the name of New England, all the continent of America from forty degrees north latitude to the St. Croix, with the exception of Pennsylvania and Delaware.

The commission is in the Public Record Office, London, "New England Papers," XXXIII., 381; from that source it was printed by Edmund Bailey O'Callaghan, editor, "Documents Relative to the Colonial History of the State of New-York" (Albany, 1853), III., 537-542. Instructions which accompanied the commission are printed from the same source, pp. 543-549.

The text adopted is that of O'Callaghan.

Text.

JAMES the Second by the Grace of God King of England, Scotland France and Ireland Defender of the Faith &c. To our trusty and welbeloved S^{r} Edmund Andros Kn^{t} Greeting: Whereas by our Commission under our Great Seal of England bearing date the third day of June in the second year of our reign wee have constituted and appointed you to be our Captain Generall and Governor in Cheif in and over all that part of our territory and dominion of New England in America known by the names of our Colony of the Massachusetts Bay, our Colony of New Plymouth, our Provinces of New Hampshire and Main and the Narraganset Country or King's Province. And whereas since that time Wee have thought it necessary for our service and for the better protection and security of our subjects in those parts to join and annex to our said Government the neighboring Colonies of Road Island and Connecticutt, our Province of New York and East and West Jersey, with the territories thereunto belonging, as wee do hereby join annex and unite the same to our said government and dominion of New England. Wee therefore reposing especiall trust and confidence in the prudence courage and loyalty of you the said Sir Edmund Andros, out of our especiall grace certain knowledge and meer motion, have thought fit to constitute and appoint as wee do by these presents constitute and appoint you the said S^r^ Edmund Andros to be our Captain Generall and Governor in Cheif in and over our Colonies of the Massachusetts Bay and New Plymouth, our Provinces of New Hampshire and Main, the Narraganset country or King's Province, our Colonys of Road Island and Connecticutt, our Province of New York and East and West Jersey, and of all that tract of land circuit continent precincts and limits in America lying and being in breadth from forty degrees of Northern latitude from the Equinoctiall Line to the River of S^t^ Croix Eastward, and from thence directly Northward to the River of Canada, and in lenght and longitude by all the breadth aforesaid throughout the main land from the Atlantick or Western Sea or Ocean on the East part, to the South Sea on the West part, with all the Islands, Seas, Rivers, waters, rights, members, and appurtenances, thereunto belonging (our province of Pensilvania and country of Delaware only excepted), to be called and known as formerly by the name and title of our territory and dominion of New England in America.

And for your better guidance and direction Wee doe hereby require and command you to do & execute all things in due manner that shall belong unto the said office and the trust wee have reposed in you, according to the severall powers instructions and authoritys mentioned in these presents, or such further powers instructions and authoritys as you shall herewith receive or which shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Councill and according to such reasonable lawes and statutes as are now in force or such others as shall hereafter be made and established within our territory & dominion aforesaid.

And our will and pleasure is that you the said S^r^ Edmund Andros having, after publication of these our Letters Patents, first taken the Oath of duly executing the office of our Captain Generall and Governor in Cheif of our said territory and dominion, which our Councill there or any three of them are hereby required authorized and impowered to give and administer unto you, you shall administer unto each of the members of our Councill the Oath for the due execution of their places and trusts.

And lastly, our will and pleasure is that you the said S^r^ Edmund Andros shall and may hold exercise and enjoy the office and place of Captain Generall and Governor in Cheif in and over our Territory and Dominion aforesaid, with all its rights members and appurtenances whatsoever, together with all and singular the powers and authorityes hereby granted unto you, for and during our will and pleasure.

In Witness whereof Wee have caused these our letters to be made Patents. Witness our self at Westminster the seventh day of Aprill in the fourth year of our raign. [1688.]

By Writ of Privy Seal

CLERKE.

XCIII.

GRANT OF LANDS AT MT. DESERT TO SIEUR DE LA MOTHE CADILLAC, BY THE GOVERNOR AND COUNCIL OF CANADA.

July 23 / August 2, 1688.

Sources.

The grant of the place called "Donaquec" to Sieur de la Mothe Cadillac, July 23 / August 2, 1688, contained "two leagues in front by two leagues in depth with the Island of Mt. Desert, lying in front of the land." As this grant of territory within the present limits of Maine was considered valid by the General Court of Massachusetts in 1787, a place is given to the document in this compilation.

The text of the grant is included in "Collection de Manuscrits contenant Lettres, Mémoires, et Autres Documents Historiques relatifs à la Nouvelle-France" (Quebec, 1883), I., 427, 428. The only English text which has been found is in "Titles and Documents relating to the Seigniorial Tenure, in return to an Address of the Legislative Assembly" (Quebec, 1852), 100; it is therefore adopted in this collection.

Text.

To the Sieur Lamothe Cadillac

Jacques Réné de Brisay, Knight, Marquis of Denonville, Governor and Lieutenant-General for His Majesty in Canada, Acadia, the Island of Newfoundland and other countries of North France; and

Jean Bochart, Knight, Seignior of Champigny and Marne, King's Councillor, Intendant of Justice, Police and Finances in the said country.

To all whom these present letters shall see, greeting.

Know ye, that on the petition presented to us by the Sieur La Mothe Cadillac residing in Acadia, praying that we would be pleased to grant unto him the place called Donaquec, near Magets, being a dependancy of Acadia, and for that purpose would grant him two leagues of land in front on the sea shore, by two leagues in depth towards the interior of the land (the River Donaquec dividing in two the said two leagues of land in depth, to wit: one league to be taken on the west side of the said river and one league on the other side of the same, running towards the east, the front of the said two leagues of land facing towards the south on the sea side and the depth towards the north, together with the island of Mountdesert, and other islands and islets, situate in front of the said two leagues of land, to have and to hold the same in fief and seigniory, with the right of superior, mean and inferior jurisdiction (haute, moyen et basse justice), he being desirous of forming a settlement thereon, and causing the said tract of land to be cleared in order to render the same valuable; we, in consideration thereof and under and in virtue of the power bestowed upon us by His Majesty, have granted and conceded, and do grant and concede forever unto the said Sieur Cadillac the said place called Donaquec, of two leagues in front on the sea by two leagues in depth, the River Donaquec dividing the same through the middle, the same river not included, together with the island of Mountdesert and other islands and islets situate in front of the said two leagues of land, the whole as it is hereinabove more fully designated: To have and to hold the same unto him, his heirs and assigns forever, under the title of fief and seigniory with the right of superior, mean and inferior jurisdiction (haute, moyen et basse justice), and the privilege of fishing and hunting within the whole extent of the said concession, he being obliged to render fealty and homage at the Castle and Fort of Acadia in the hands of the governor for the King, and to pay the customary dues at each and every mutation of proprietor; the whole according to the Custom of Paris; to preserve or cause to be preserved by his tenants the oak timber which may be found on the extent of the said concession fit for the building of vessels, and to give notice to the King or to the Governor of the country of the mines, ores and minerals, if any be found; to cause the same conditions to be inserted in the concessions which he will be allowed to grant on the said land, and to commence within three years from this day to work in order to settle the land, on pain of being dispossessed of the same.

In testimony whereof we have signed these presents and caused our seal at arms to be affixed thereto, and the same to be countersigned by one of our Secretaries.

Done at Montreal, this twenty-third day of July one thousand six hundred and eighty-eight.

Signed, J. R. DeBrisay
M. De Denonville
Bochart Champigny

By their Lordship's command

Signed, Fredin

END OF VOLUME I.

INDEX.

INDEX OF SUBJECTS.

A

Acadia, Patent of, to De Monts, 1, 2.
  Restored to France, 311, 312.
Act of Surrender of the Great Patent, 203.
Agamenticus Grant, the, 159, 160.
Annexation of Pemaquid to New England, 372.
Appointment of Steenwyck as Governor of Acadia and Nova Scotia, 330, 331.
Assignment of the Plymouth Charter to Bradford, 256.

B

Bannatyn Club, the, 58, 76, 82, 181, 189.
Black Point Patent, 137.

C

Canada, Charter of, to Alexander, 82.
Cape Porpoise, Grants of, 163, 164, 179, 180.
Charters, of Canada to Alexander, 82, 305, 311; the Colony, 86, 108, 109; Dutch West India Company, 53, 54; Massachusetts Bay, 86, 87, 359, 366; New Hampshire, 205; Nova Scotia, 57, 58, 76; Plymouth, 256; Plymouth Company, 108; 109; Province of Maine, 222; Virginia, 6, 7; Warwick, 108.
Clapboards, 52.
Colony, the Southern, 88.
Commissions for a President and Council of New England, 366; for settling the affairs in New England, 307; to Andros, 326, 369, 379; Champernoon, 301; to D'Aulney, 259; to Gorges, Ferdinando, 219; to Gorges, Thomas, 248; to Jocelyn, 245; to Rhoades, 328; to Temple 282.
Compact, social, to secure independent government, by Wells, Gorgeana, and Piscataqua, 265.
Concession of Acadia, 212; of St. Croix, 172, 173.
Conveyance of lands at Pejepscot, 243.
Corn, 52.
Council for Trade created, 292, 294.

D

Declaration for Resignation of the Great Charter, 196.
Deed destroyed in pastry cooking, 152.
Deeds, of lands to Wharton, 361; of Province of Maine to Massachusetts, 350; of Province of Maine to Usher, 343; to Brown of Pemaquid, 80.
Deposition concerning the Pejepscot Patent, 177, 178.
Duke's Territory, 305, 314.

E

Episcopalian and Puritan struggle in Maine, the beginning of the, 267.
Extracts from the Treaty of Westminster, 278.

F

First Colony of Virginia, 9.
Friars, Capucine, 260, 263.

G

GORGEANA extinguished, 274.

Grants, Agamenticus, 159, 160; for exclusive trade in the New Netherlands, 12, 13; Cadillac, 382; of Acadia, 280; Cape Porpoise, 163, 164; Lincoln, 126; Lygonia, 133; Masonia, 191; Muscongus, 125; New Hampshire, 95, 96, 192; Pascataway, 143; Pemaquid, 165, 166, 304, 323; Province of Maine, 64, 65; Richmond's Island, 162; St. Croix, 172; to Alexander and La Tour, 128, 129, 212; to Bradshaw, 150, 151; to Kittery, 274; to Levett; 72, 73; to Lewis and Bonighton, 117; to Oldham and Vines, 121, 122.

Great Patent, the, 191, 201.

H

HEMP Flax, 52.

I

INDENTURE for the purchase of land on the Kennebec River, 296; of land on the Newichewannock, 208.

J

JUDGMENT in favor of Gorges, Sir Ferdinando, 334, 343.

Jurisdiction of Massachusetts extended over Lygonia, 288.

K

KENNEBEC COMPANY, 296.

Kittery, formerly Piscataqua, 265; acknowledged the government of Massachusetts, 273.

L

LACONIA PATENT, the, 98, 99; notes on the Grant, 133, 134.

Laws, the Book of, to be procured by each town, 289.

Lease of land at Casco Bay to Cleeve, 214.

Letters Patent, *see* under Patents.

Lincoln Grant, 126.

Livery of Land to Cammock, 179.

London Company, 8, 9.

M

MAINE, Province of, First French claim to, 1; Charter of, 222; titles for land derived from the Northern Company, 20; the title first used, 64; Grant of the Great Council, 64, 65, 99; desired protection under the Commonwealth, 267.

Manuscripts, *see* under Papers.

Map, the Figurative, 14.

Marks, Angush, George, 132; Darumkine, 365; James, Peter, 132; Mihikermett, 365; Nehonongassett, 365; Numbanuett, 365; Smyth, Richard, 180; Warumbee, 365.

Masts, used as a gift, 317.

N

NEW ENGLAND, the Great Council for, 20, 45, 50, 51, 52, 61, 64, 65, 72, 73, 96, 98, 108, 117, 121, 125, 133, 137, 143, 150, 152, 159, 162, 165, 166, 177, 179, 183, 189, 259.

New England, Division of the Patent of, 61, 73, 74, 183, 184.

New France, the Company of, 172, 173.

Northern Company, the, 6, 7, 15, 16, 18, 19, 20.

O

OLDEST STATE DOCUMENT in the United States, 46.

Old South Leaflets, 86.

Order for Commissioners to hold court at Pemaquid, 322; for submission of Maine to Massachusetts, 317.

Organization of Government of Province of Maine, 356.

P

Papers, Baxter, 276, 306, 308; Carew, 61, 74; Conway, 72, 74; Masere, 86; New England, 257; Pejepscot, 133, 178, 361; Trelawny, 137, 151, 152; Usurpation, 369; Winthrop, 133.

Patents, Acadia to De Monts, 1, 2; to Alexander, 189; Black Point, 137; Country called Canada, 189; Gates and others, 7; the Great, 191, 201; Laconia, 98, 99; La Tour, 269; Levett, 73; Muscongus, 125, 126; New England, 18, 19, 20, 21, 61, 73, 74, 183, 184, 203; Pejepscot, 177, 178, 361; Plough, 133; Trelawny, 152; Waldo, 126; Winslow for Kennebec River, 278.

Pejepscot Company, 177, 361.

Pemaquid, deed of, to Brown, John, 80; grant of, 165, 166, 304, 323.

Petitions for enlarged privileges by Winslow, 277; for Act to Surrender the Great Patent, 201; of Northern Company, 15, 16; to Parliament from General Court of Maine, 267.

Pitch, 52.

Plough Company, 133.

Plymouth Company, First Patent for the, 45, 46; Charter of, 108, 109; mentioned, 20, 26, 27, 29, 33, 45, 73, 337, 338.

Potashes, 52.

Prince Society, 58, 64, 74, 76, 82, 95, 98, 143, 189, 192, 205, 208, 222.

Puritan and Episcopalian struggle in Maine, beginning of, 267.

R

Ratifcation to Stirling, Earl of, 181, 182.

Recollects, 172.

Report in favor of provincial government in Maine, 307.

Richmond's Island, grant of, 162.

S

Seizin, rare instance of, 361.

Silk Grass, 52.

Soap Ashes, 52.

Social Compact of Wells, Gorgeana, and Piscataqua, 265.

Steehimini, the, 59.

Suffolk Deeds, the, 98.

Suriqui, the, 59.

T

Tar, 52.

Timber, 63.

Treaty, of Aix-la-Chapelle, 259; Breda, 311, 314, 376, 381; France, 373, 376; London, 373; Munster, 341, 374; Neutrality, 376; St. Germain, 175, 189; Suza, 92, 93; Westminster, 278, 319, 341.

V

Vessels:—
  Flying Horse, 328, 329.
  Fortune, 13.
  Little Fox, 13.
  Nightingale, 13.
  Plough, 133.
  Tiger, 13.

Virginia Company, the, 6, 7, 20, 197.

Virginias, the, denotation of, 262.

W

West India Company, 53, 328, 329, 330, 331, 332.

Writ of Quo Warranto by Charles II, 359.

Y

Yorkshire County created, 273.

INDEX OF NAMES.

A

Adams, Thomas, 90, 91.
Aernouts, Jerriaen, 328, 329.
Aerssen, C., 57.
Alden, John, 116.
Aldersey, Samuel, 90, 91.
Aldworth, Robert, 165, 166, 167, 168, 169, 170, 171, 172.
Alexander, Sir William, 57, 58, 59, 60, 74, 76, 78, 82, 83, 84, 85, 128, 129, 130, 131, 173, 181, 182, 184, 188, 189, 190, 280, 311. *See* also under Stirling.
Allerton, Isaac, 217.
Almon, John, 7, 86.
Andrews, James, 366.
  Samuel, 288.
Andros, Sir Edmund, 326, 327, 328, 369, 370, 371, 379, 380, 381.
Anglesey,——, 340.
Angush, George, 131, 132.
Anne, Queen, 181, 279.
Appleton, Samuel, 360.
Apsley, Sir Allen, 26, 27, 75.
Archdale, John, 178, 179, 301, 303.
Argall, John, 26, 27.
  Samuel, 61, 75.
Arundell, Earl of, 19, 26, 27, 61, 62, 63, 64, 65, 75, 99, 110, 144, 185, 186, 188, 297.
Astry,——, 360.

B

Bagnall, Walter, 162, 163.
Baird, Charles W., 2.
Ballard, Edward, 296.
Baltimore, Lord, 185.
Bangs, Edward D., 343.
Banks, Charles Edward, 133, 134, 159, 162, 267.
  Sir John, 197.
  Sir Thomas Christopher, 58, 76, 77, 82, 181.
Barker,——, 295, 371.
Bath, Earl of, 26, 27, 335, 340.
Batter, Edm., 360.
Baxter, James Phinney, 72, 117, 137, 151, 152, 162, 214, 222, 274, 276, 301, 306, 308.
Baylies, Francis, 21.
Beal, Roger, 211.
Beauchamp, John, 125, 126, 127.
Bellingham, Richard, 91.
Berkley, Lord, 335.
Bincks, Bryan, 134, 135.
Blackstone, William, 120, 124.
Blany, John, 366.
  Mrs. John, 366.
Block, Aedriaen, 13.
Bochart, Jean, 382, 384.
Bonighton, John, 121.
  Richard, 117, 118, 120, 246, 249, 251.
Borepaux, Francis de, 377, 378.
Bourchier, Henry, 26, 27.
  Sir John, 26, 27.
Bourne, William, 360.
Bouton, Nathaniel, 64, 95, 192, 201.
Bowles, Joseph, 303.
Boyes, Antipas, 296, 299, 300.
Bradford, William, 108, 113, 114, 115, 116, 256, 257, 258, 259, 277, 297, 298.
Bradley, Mathew, 211.
Bradshaw, Richard, 150, 151.
Bradstreet, Dudley, 368.
  Simon, 276, 358, 360, 368, 371.
Brattle, Thomas, 296, 299, 300.
Brauger, Marquis de, 377.
Brigham, William, 109, 256.
Brinley, Francis, 367.
Brisay, Jacques Réné de, 382, 384.
Brodhead, John Romeyn, 12, 13, 16, 18, 305, 330.
Bronwer, Pieter Clementssen, 13.
Brook, Sir John, 26.
Brown, Alexander, 7.
  John, 80, 81, 90, 91.
  Samuel, 90, 91.
Bryant, Hubbard W., 117, 152.

Buckingham, Marquis of, 26, 27, 65, 99, 110, 144, 204, 297.
Buggin, Butler, 356.
Bulkeley, Peter, 334, 343, 356, 360, 368.
Burton, Barth, 356.
Busley, John, 160.

C

Cadillac, Sieur de la Mothe, 382, 383.
Calvert, Lord, 19, 61, 62.
Cammock, Margaret, 137.
  Thomas, 137, 138, 139, 140, 141, 142, 149, 153, 154, 155, 164, 179, 180.
Carlile, Earl of, 75, 185, 186, 188, 201.
Carr, Robert, 310.
Catchmay, Sir Richard, 26, 27.
Carteret, G., 340.
Cartwright, George, 310.
Chalmers, Charles, 314, 319.
Champernoon, Francis, 246, 249, 251, 301, 303, 309, 368.
Champigny, Jean Bochart de, 382, 384.
Channing, Edward, 13.
Charles I., 76, 77, 82, 86, 87, 93, 96, 99, 116, 121, 125, 127, 134, 142, 143, 152, 153, 166, 175, 178, 181, 196, 201, 204, 205, 209, 215, 219, 222, 223, 256, 257, 297, 302, 337, 338, 339, 345.
Charles II., 292, 304, 306, 310, 311, 314, 319, 323, 324, 341, 344, 346, 350, 351, 356, 359, 360, 365.
Charnizay, *see* D'Aulney.
Cheffault, A., 213.
Chicheley, Tho., 340.
Chudley, George, 26, 27.
Clarendon, Earl of, 305; *see* also Hide, Lord Edward.
Clarke, Jonas, 288.
  Thomas, 322, 323.
Cleave, Cleeves, } George, 73, 211, 215, 216, 217, 218, 289.
Clerke,——, 381.
Coën, General de, 176.
Coga, Thomas, 142.
Collecot, Richard, 322.
Collingwood, Edward, 53.
Cooke, Elisha, 360.
Coppyn, Col. Thomas.
Corstiaenssen, Henrick, 13.
Cotton, John, 143, 145, 146, 148, 149, 150.
  Josiah, 108.
Coventrie, Sir Thomas, 19, 335.
Cox, William, 81.
Cradock, Matthew, 90, 91, 92.
Cranfield, Edward, 211.
Craven, Earl of, 335, 340,
Creggins,——, 350.
Cromwell, Oliver, 278, 280, 281, 282, 311.
Crown, William, 280.
Cunley, Abraham, 276.
Cutts, Robert, 303, 309.

D

D'Amoncourt, Barollan, 377, 378.
Danforth, Thomas, 357, 358, 360.
Darumkine, 363, 365.
D'Aulney, Charles de Menou, Signeur de Charnizay, 259, 260, 261, 262, 263, 264, 269, 270.
  Madam, 269.
Davis, Sylvanus, 358.
  William T., 21, 46, 109, 197, 256.
Davy, Humphrey, 322, 360.
Dean, John Ward, 64, 95, 98, 143, 192, 205, 208.
Deane, Charles, 46, 61, 151, 159, 162, 163, 184, 196, 201, 203.
De Lomenie,——, 265.
Demetrius, Carolus, 132.
De Monts, *see* Du Monts.
Dennis, Robert, 172.
Denonville, Marquis de, 382, 384.
Desbarats, P. E., 374.
Digby, Lord, 19.
Diggs, Sir Dudley, 26, 27.

Domhegon, 363, 364, 365.
Drake, John, 26, 27.
  Samuel G., 74, 219.
Dudley, Joseph, 360, 367, 368, 371.
Dummer, Richard, 133.
Dumont, M. Jean, 93, 278, 311, 314, 375.
DuMonts, Pierre du Guart, Sieur, 1, 2.
Duresme, Bishop of, 302.
Durumkine, 363, 364, 365.
Dye, John, 134, 135.

E

Eaton, Theophilus, 90, 91.
Edgecombe, Sir Richard, 26, 27.
Edmonds, C., 18.
Edward I., 235.
Elbridge, Gyles, 165, 166, 167, 168, 169, 170, 171, 172.
Emans, Johannes, 287.
Endicott, John, 86, 89, 90, 91, 132, 273.
Ephraim, Captain,——, 361; *see* Savage, Ephraim.
Erskyn, Lord, 59, 78.
Eyre, Eliezer, 143, 145, 146, 148, 149, 150.
  Thomas, 143, 145, 146, 148, 149, 150.

F

Fairweather, John, 360.
Felt, Geo., 366.
  J. B., 164.
Fisher, Daniel, 360.
Folsom, George, 117, 122, 245.
Foxcroft, George, 90, 91.
Fredin, ——, 384.
Frost, George, 218.

G

Ganine, C., 330, 334.
Garde, Roger, 214, 218.
Gardiner, Gardner, Henry, 143, 145, 146, 148, 149, 150.
  Thomas, 322.
Gareoch, Lord, 59.
Gates, Thomas, 7, 9, 21, 26, 27.
Gedney, Gidney, Godney, Bartholmew, 358, 360, 368.
George III., 181.
Gilbert, Raleigh, 7, 10, 21, 26, 27.
Giles, Sir Edward, 26, 27.
Glover, Ralph, 160.
Gooche, Dr. Barnabe, 74, 75.
Godfree, Godfrey, Edward, 72, 107, 159, 177, 246, 249, 251, 267, 268.
Godolphin, Lord, 377, 378.
Goffe, Thomas, 90, 91.
Goodyear, Moses, 152, 154, 155, 156, 157, 158.
Gookin, Daniel, 360.
Gorges, Lord Edward, 26, 27, 158, 185, 186, 188.
  Sir Ferdinando, 7, 16, 18, 21, 22, 26, 27, 46, 53, 61, 63, 65, 67, 68, 69, 70, 71, 73, 75, 87, 96, 98, 99, 101, 102, 103, 104, 105, 106, 107, 110, 133, 134, 135, 137, 143, 144, 145, 146, 148, 149, 150, 158, 159, 160, 161, 162, 164, 172, 178, 179, 183, 184, 185, 186, 188, 201, 202, 208, 209, 210, 211, 214, 215, 216, 217, 218, 219, 220, 222, 223, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 245, 248, 249, 251, 254, 266, 268, 297, 301, 302, 303, 304, 308, 317, 334, 336, 337, 339, 340, 343, 344, 346, 347, 348, 349, 350, 352, 354, 356, 357, 359, 362.
  Ferdinando, (Grandson), 159, 160, 162, 164, 179, 184.
  John, 136, 160, 302, 303, 344, 347, 348, 352, 356.
  Capt. Robert, 71, 198.
  Thomas, 137, 248, 249, 250, 251, 252, 253, 255.
Grames, Grimes, Richard, 131, 132.
Graves, Thomas, 160.
Gray, Francis, 335.

Green, S., 86.
Griffith, George, 143, 145, 146, 148, 149, 150.
Guinsey, Edm., 360.
Guy, Edwin, 143, 145, 146, 148, 149, 150.

H

HACKLUYT, RICHARD, 7, 9.
Haddington, Viscount of, 26, 27.
Hale, Heale, Sir Warwick, 26, 27.
Haliburton, Thomas C., 1, 281.
Hamilton, Marquis of, 26, 53, 65, 99, 110, 144, 185, 186, 188, 198, 297.
Hammond, Joseph, 301, 356.
  Laurentin, 306.
Hamon, Hanham, Haymon, Thomas, 7, 10, 21, 26, 27.
Harris, Benj., 86.
Hart, Albert Bushnell, 13.
Harwood, George, 90, 91.
Haven, S. F., 61.
Hawkins, Sir Richard, 26, 27.
  William, 349.
Haymon, *see* Hanham.
Hazard, Ebenezer, 1, 7, 18, 20, 53, 58, 77, 93, 95, 108, 126, 128, 165, 175, 192, 197, 201, 203, 222, 243, 245, 256, 274, 281.
Heale, *see* Hale.
Heath, Robert, 26, 27.
Henry IV., 1, 2, 6.
Hickford, John, 218.
Hide, Hyde, Edward, Lord, 294; *see* also Clarendon, Earl of.
Hilton, Edward, 120, 121, 125.
Hinckley, Thomas, 108.
Hincks, Hinkes, John, 368.
Holderness, Earl of, 75.
Hongers, Hans, 13.
Hooke, Francis, 303, 309.
  William, 246, 249, 251.
Hough, Franklin B., 372.
Howard, ——, 307.
Howland, John, 116.
Hubbard, William, 133, 134.
Hull, John, 360.
Humfrey, John, 89, 90, 91.
Humphreys, Robert, 349, 356.
Hutchins, Thomas, 90, 91.
Hutchinson, Elisha, 360.
  Joshua, 335.
  Thomas, 86, 308, 335.
Hyde, *see* Hide.

I

INCE, JONATHAN, 273.

J

JAMES I., 6, 7, 15, 18, 20, 21, 46, 57, 58, 65, 76, 96, 110, 117, 122, 134, 138, 143, 153, 166, 181, 182, 184, 190, 192, 197, 203, 209, 297, 338.
James II., 324, 326, 359, 366, 367, 369, 370, 372, 373, 376, 377, 379.
James, Peter, 131, 132.
Jefferys, William, 120, 125, 160.
Jenings, Abraham, 75.
Jenkinson, Charles, 279, 311, 312, 319, 341, 343, 374.
Jenness, John Scribner, 98, 143.
Jocelyn, Joslin, Josselin, Henry, 137, 140, 149, 157, 246, 249, 251, 289, 290, 303, 307.
  Sir Thomas, 245, 246, 247, 248.
Johnson, Johnston, Edward, 309.
  Isaac, 90, 91.
  John, 80, 165.
  William, 360.
Jones, Thoma, 360.
Jordan, Robert, 152, 289, 290, 303, 309.

K

KIES, JAN CLEMENTSSEN, 13.
Kinge, John, 142.

L

LACHFORD, THOMAS, 244.
Laet, Joannes de, 57.

Laing, David, 58, 74, 76, 82, 181, 189.
Lamy,——, 174.
La Tour, Sir Charles, 212, 213, 260, 261, 269, 270, 280, 282.
  Claude, de St. Estienne, 57, 128, 129, 130, 131, 132, 212.
Lee, Robert, 349.
Lenox, Duke of, 21, 25, 27, 53, 61, 63, 65, 99, 110, 134, 144, 185, 186, 188, 198, 203, 204, 297.
Leonard, Frederic, 175, 278.
Leonare,——, 93.
Lescarbot, Marc, 1, 74.
Leverett, Thomas, 125, 126, 127.
Levett, Christopher, 72, 73.
Lewis, Thomas, 117, 118, 120, 121, 218.
Lindsey, Charles, 175, 374, 377.
London, Bishop of, 335.
  H., 340.
Louis XII., 175.
Louis XIII., 92.
Louis XIV., 259, 260, 265, 269, 273, 278, 280, 311, 373, 376.
Love, Capt. Thomas, 75.
Lybergen, Arnolt van, 13.
Lygon, Cicely, 133.

M

McKeen, John, 178.
Mackworth, Arthur, 217, 218.
  Mr.——, 288.
Magnus, J., 56.
Mansell, Sir Robert, 26, 27, 75.
Mar, Earl of, 59, 78.
Marshall, Earl of, 201.
Mason, Edward, 334.
  John, 64, 65, 67, 68, 69, 70, 71, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 143, 145, 146, 148, 149, 150, 184, 185, 186, 187, 188, 191, 192, 193, 194, 195, 196, 201, 205, 206, 208, 209, 210, 211, 334, 336, 340, 359.
  Robert, 368.
Masterson, Nathaniel, 318.
Matrevers, } Lord, 184, 201.
Maultrovers, }
Maverick, Samuel, 72, 73, 160, 310.
May, Jacobssen, 13.
Maynard, Lord, 335.
Maynet, Josh, 129, 132.
Menon, Charles de, *see* D'Aulney, Charles.
Menstrie, Lord of, 129; *see* Alexander, Sir William.
Middlesex, Earl of, 75.
Middleton,——, 377, 378.
Mihikermett, 363, 365.
Mompesson, Sir Giles, 26, 27.
Monmouth, Duke of, 343, 357.
Moody, Joseph, 304.
Moore, John, 211.
Morrison, Simon, 13.
Morton, Nathaniel, 301.
Munjoy, George, 307.

N

Neal, Francis, 289, 303.
  Walter, 140, 146, 151, 157, 171.
Nehonongassett, } 363, 364, 365.
Neonongassett, }
Newman, Matthew, 81.
Nicholes, John, 340.
Nimbanewett, } 363, 364, 365.
Numbanuett, }
Noell, Increase, 91.
Northampton, Earl of, 335.
North, Fra., 340.
Norton, George, 160.
  Richard, 160.
  Robert, 160.
  Walter, 159, 160, 163, 179, 180.
Nowell, Samuel, 360.

O

O'Callaghan, Edward Bailey, 12, 16, 18, 53, 293, 305, 308, 326, 376, 379.
Oldham, John, 121, 122, 123, 124, 125.
Orange, Prince of, 373.
Ormand, Duke of, 335, 340.

P

Palairet, John, 58.
Parker, James, 121.
  John, 366.
  William, 7, 10.
Pelgrom, Paulus, 13.
Pellicorne, Gaspar, 330, 334.
Pembrook, Earl of, 26, 27.
Pendleton, Brian, 276.
Penner, Richard, 349.
Pery, Richard, 91.
Peterborough, Earl of, 335.
Peyster, John Watts de, 328, 329, 330, 331.
Phillips, John, 349.
  Nathaniel, 348, 349.
  William, 309.
Pierce, John, 45, 46, 47, 48, 49, 50, 51, 52.
Pigott,——, 325.
Pinchon, } John, 360, 368.
Pynchon, }
  William, 90, 91.
Poor, John Alfred, 7, 16, 18, 21, 46, 61, 64, 219.
Poore, Ben: Perley, 1, 7, 21, 86, 95, 175, 192, 305, 324.
Popham, Sir Francis, 26, 27.
  George, 7, 10.
Porter, Joseph W., 281.
Potier,——, 6.
Povey, Richard, 211.
Preble, Abraham, 128, 290.
Preston, Howard W., 7.
Prout,——, 73.
Purchase, Samuel, 2, 7, 57, 74.
  Thomas, 177, 178, 179, 243, 244, 303, 362, 363, 365, 366.
Pyke, Robert, 360.
Pynchon, *see* Pinchon.

R

Razilly, Isaac de, 172, 173, 212, 260.
Richardson, Amos, 244.
Raines, } Francis, 303.
Raynes, }
Rainsford, Rich., 340.
  Robert, 160.
Randolph, Edward, 359, 367, 368, 369.
Rattcliffe,——, 62.
Rawson, Edward, 132, 287, 319, 323.
Rhoades, John, 328, 329, 330.
Richards, John, 360.
Rich, Sir Nathaniel, 26, 27.
Richelieu, Cardinal, 172, 174, 212.
Rigby, Sir Alexander, 133, 134, 135, 136, 214, 266.
  Edward, 133, 134, 136, 214.
Rigley,——, 266.
Rishworth, Edward, 121, 181, 196, 214, 290, 291, 303, 309, 310.
Robbinson, Francis, 137.
Roe, Sir Thomas, 26, 27.
Rooke, Hen., 45.
Roswell, Sir Henry, 88, 89, 90, 92.
Rushworth, John, 93.
Russell, Jacob, 360.
Rymer, Thomas, 175.

S

Safford, Moses A., 205, 208.
Sainsbury, W. Noël, 61, 73, 74, 151, 159, 163, 177, 196, 201, 219, 277, 281, 282, 305, 307, 308.
Salisbury, Earl of, 26, 27.
Saltonstall, Nathaniel, 360, 368.
  Richard, 90.
Samoset, John, 80, 81.
Sargent, B., 211.
  William M., 192, 205, 208.
Savage, Capt. Ephraim, 361.
  J., 133.
  Thomas, 121.
Schenck, Hans Claessen, 13.
Scottow, Joshua, 132, 358.
Sedgwick, Maj. Robert, 280.
Seymour, Sir Edward, 26, 27, 340.
Shapleigh, Nicholas, 290, 361, 362, 363.
Sheffield, Lord, 26, 27, 53, 75.
Sherman, John, 273.
Shurt, Abraham, 80, 81, 180.

Slafter, Rev. Carlos, 58.
  Rev. Edmund F., 58, 74, 76, 82, 189.
Smith, John, 20, 74, 134, 135.
Smyth, Richard, 180.
Somers, Sir George, 7, 9, 21.
Southampton, Earl of, 19, 26, 27, 294.
Southcott, Thomas, 89, 90, 91.
Southgate, William S., 180.
Sowther, Nathaniel, 259.
Spelman, Spilman, Sir Henry, 63, 73, 75.
Standish Miles, 116.
Steenwyck, Cornelis, 330, 331, 332, 333.
Stirling, Alexander, Earl of, 181, 182, 185, 186, 189, 201, 305.
  Henry, Earl of, 304, 305.
  William, Earl of, 305, 311; *see* Alexander, Sir William.
Stith, William, 7.
Stodder, Anthony, 360.
Story, Isaac, 178.
Stoughton, William, 334, 343, 356, 360, 368, 371.
Strachan, Alexander, 131, 132.
Stratton, John, 163, 164.
Stuart, James 181; *see* James I.
Sullivan, James, 133, 222, 245, 249, 251, 267, 274, 317.
Sunderland, Earl of, 335, 373, 377, 378.
Surry, Earl of, 185, 186, 188.
Sutcliffe, Matthew, 26, 27, 75.
Sweertssen, Berent, 13.
Symons, Samuel, 276, 291.

T

Tellier,——, 273.
Temple, Col. Thomas, 280, 282, 283, 284, 285, 286, 287, 311, 322.
Thompson, Eben, 98.
  Mr.——, 63.
Thornton, Baron of, 131.
  John Wingate, 74, 80, 152, 165.
Tony, Dew, 172.
Torrey, William, 360.
Trask, William B., 98.
Trelawny, Rev. C. T. Collins, 152.
  Robert, 142, 151, 152, 154, 155, 156, 157, 158, 162.
Tross, Edwin, 1.
Trumbull, Benjamin, 20.
  Jonathan, 367.
Tucker, Richard, 73, 214, 215, 216, 217, 218.
Tupe, Tho., 135.
Turell, Daniel, 360.
Turfrey, George, 136.
Tuttle, Charles Wesley, 98, 143, 328, 330.
Tweenhuyzen, Lambrecht van, 13.
Tylton, Peter, 360.
Tynge, Edward, 296, 299, 300, 366, 368.
  Jonathan, 368.

U

Unongoit, 80, 81.
Usher, John, 343, 344, 346, 347, 349, 350, 351, 352, 353, 354, 355, 368.

V

Vahan, *see* Vaughan.
Vassell, Increase, 90.
  Samuel, 91.
  William, 90, 91.
Vaughan, George, 121.
Ven, John, 90, 91.
Vines, Richard, 121, 123, 124, 125, 157, 163, 171, 246, 247, 248, 249, 250, 251, 252, 253.
  Walter, 140.
Volckertssen, Cornelis, 13.
  Thys, 13.

W

Waite, John, 360.
Walker, Capt.——, 311.
Walters, Henry, 366.
Wannerton, Thomas, 143, 145, 146, 148, 149, 150.

Warwick, Earl of, 26, 27, 53, 65, 75, 99, 108, 110, 121, 125, 127, 134, 135, 136, 137, 144, 158, 160, 164, 172, 257, 297.
Warumbee, 363, 364, 365.
Watts, Henry, 121, 289, 303.
Way, Eleazer, 366.
  George, 177.
Weedon, 363, 364, 365.
Werden, Jo., 328.
Wharton, Richard, 361, 363, 364, 365, 366, 368.
Wheeler, George Augustus, 178, 243, 362.
  Henry Warren, 178, 243, 362.
Wheelwright, Samuel, 309.
Whitcombe, Symon, 88, 89, 90, 91.
White, William, 2, 126.
Whitmore, William E., 335.
Wiggin, Thomas, 121, 276, 291.
Wihikermett, 363, 364, 365.
Willard, J., 243, 356.
Williams, Walter, 164.
Williamson, Joseph, 126, 335, 340.
  William D., 2, 58, 266, 281, 307.
Willis, William, 214, 245, 289.
Wincoll, John, 309.
Wingfield, Edward Maria, 7, 9.
Winnington, John, 201.
Winslow, Edward, 116, 277, 278.
  John, 296, 299, 300.
Winter, John, 151, 152, 162, 180.
Winthrop, John, 86, 133, 162, 177, 243, 244.
  John Fritz, 368.
  Stephen, 244.
  Wate, 368.
Winton, Bishop of, 19.
Withers, Thomas, 303.
With, Jan de, 13.
Withington, John, 218.
  William, 218.
Witssen, Gerrit Jacoby, 13.
  Jonas, 13.
Wolseley,——, 92, 243.
Woolsey, Joel, 160.
Worcester, Marquis of, 335.
Worumbo, 180, 361, 363, 365.
Wright, Nathaniel, 91.
Wroth, Sir Thomas, 26, 27.

Y

Yeamans, Fra., 172.
York, Duke of, 292, 304, 305, 306, 319, 323, 324, 326, 372.
Young, Sir John, 88, 89, 90.

Z

Zouch, Sir Edward, 26, 27.

INDEX OF PLACES.

A

Acadia, Accadja, 1, 2, 3, 7, 126, 128, 129, 130, 175, 176, 212, 259, 260, 264, 269, 270, 272, 278, 280, 281, 282, 283, 311, 312, 322, 328, 329, 330, 331, 382, 383, 384.
Accomenticus, *see* Agamenticus.
Acconquesse, 258.
Acockcus, 258.
Acquessent River, 258.
Africa, 55, 56, 316.
Agamenticus, 266, 276.
  River, 159, 160, 161.
Aix-la-Chapelle, 172, 259.
Albany, N. Y., 324, 372.
Amsterdam, 13.
Androscoggin Falls, 361, 362, 363, 364.
  River, 177, 244, 361, 362, 363, 364.
Annapolis, 281.
Antegoa, 312.
Ashoton, Phillips, 215.
Atkins Bay, 362, 363.

B

Baccaloes, 60.
Barbadoes, 137.

Baronny of de La Tour, 130.
  of St. Estienne, 130.
Bassataquacke, 146, 147.
Bay of Bequacack, 147.
  of Fundy, 281.
Bedford, County of, 160.
Belfast, 126.
Berks County, 344, 354.
Biddeford, 117, 121, 122, 245.
Bishopscotte, *see* Pejepscot, 177.
Blue Point, 180, 288, 303, 309.
  River, 137, 139, 153.
Boston, 87, 128, 178, 282, 289, 296, 322, 343, 344, 350, 351, 356, 363.
Brabout Harbor, 303.
Breda, 278, 281, 311, 314, 319, 321, 322, 376.
Bremen, Maine, 80, 165.
Bristol, England, 8, 22, 166.
  Maine, 80, 165.
Broad Bay, 46.
Brunswick, 178, 243.

C

CADIA, LE, *see* ACADIA.
California, Island of, 85.
Canada, 82, 175, 176, 182, 189, 190, 382.
  County of, 305.
Canso, 128.
Capawick, 302, 345, 351.
Cape Ann, 187, 193, 206.
Cape Breton, 60, 176.
  Cod, 74, 186, 191, 224, 302, 306, 325, 327, 345, 351.
  Elizabeth, 119, 123, 152.
  Fourchere, 281.
  Ingogon, 129, 283.
  La Heve, 130, 281.
  La Stere, 283.
  Newaghan, 323.
  of Good Hope, 55.
  of L' Heue, 130, 281.
  Porpoise, 119, 123, 163, 164, 179, 290.
    River, 164.
  Sable, 59, 60, 281, 311.
Cape, continued.
  St. Mary, 281.
  St. Vincent, 313.
Casco, 215, 309, 357.
  Bay, 72, 135, 155, 218, 303, 358, 362, 363.
  River, 155.
Causumpsit Neck, 258.
Charles River, 88, 337.
Charlestown, Maine, 80.
Cloven Cape, 129, 283.
Cobbasconte,
Cobestcont, } 109, 112, 298, 299.
Conaseconte,
Cohasett River, 111, 112, 298.
Comaseconte, *see* Cobbasconte.
Conahasett River, 111, 112, 298.
Connecticut, 380.
  River, 186, 191, 306, 325, 327.
Cornwall County, 324, 372.
Curacao, 329.
Cushena, 299, 300.

D

DEDHAM, ENGLAND, 58.
Delaware, 379, 380.
  Bay, 306, 325, 327.
Devon County, England, 10, 20, 25, 26, 27, 33, 87, 88, 89, 109, 116, 126, 127, 142, 153, 203, 204, 209.
  Maine, 322.
Donaquac, 382, 383.
  River, 383.
Dover, 275.
Duke's Territory, the, 314, 341.
Duresme, 208, 302.
Durham, 222, 225.

E

EAST ACADIA, 260.
East Greenwich, 34, 66, 68, 74, 90, 100, 103, 110, 145, 211, 226, 300.
East Jersey, 380.
Edinburgh, 183.
  Holyrood Palace, 182.
England, 7, 16, 17, 18, 21, 22, 29, 31, 32, 38, 46, 57, 62, 65, 76, 82, 86, 87, 92, 93, 96, 99, 105, 109,

England, continued.
114, 116, 117, 121, 122, 128, 138, 142, 143, 152, 153, 156, 166, 176, 178, 190, 192, 194, 195, 196, 203, 204, 205, 208, 209, 215, 217, 221, 222, 223, 225, 227, 229, 230, 231, 232, 233, 235, 236, 240, 241, 247, 248, 250, 252, 257, 266, 268, 278, 280, 282, 292, 294, 297, 302, 304, 306, 309, 310, 311, 314, 319, 323, 324, 328, 334, 341, 343, 344, 345, 351, 359, 360, 362, 366, 367, 369, 370, 373, 379.
Etechemines, Country of the, 59.
Exeter, England, 8.

F

Falls of Pascassockes, 147.
Falmouth, 73, 288, 289, 290.
Fountainbleau, 6.
Fort Royal, 176.
  St. John, 57.
  St. Louis, 174.
Forts:—
  at Acadia, 384.
    Cape Breton, 176.
    Pejepscot, 366.
    Pentagoet, 260, 278, 280.
    Plymouth, 22.
    Port Royal, 278, 280.
    Quebec, 174, 176.
    St. John, 261, 278, 280, 281, 283.
France, 1, 2, 7, 21, 22, 46, 58, 65, 77, 82, 87, 92, 96, 99, 116, 117, 121, 122, 128, 138, 142, 143, 152, 153, 166, 175, 196, 203, 204, 205, 209, 215, 223, 257, 259, 260, 269, 278, 279, 280, 292, 297, 304, 306, 310, 311, 324, 344, 351, 360, 367, 370, 373, 376, 379.

G

Gaspie, } 60.
Gathepe, }
Gorgeana, 265, 266, 274, 303.
Great Britain, 77, 82, 176, 312, 313, 314, 316, 320, 321, 342, 375, 377.
Greenwich, England, 74.
Guinea, 316.
Gulf of California, 82, 85.
  Canada, 83.
  Maine, 6.

H

Hague, the, 15, 56, 311, 321.
Hamburg, 279.
Harvard College, 273.
Higansetts, 325.
Hogg Island, 214, 216.
Holland, 314.
Hoorn, 13.
House Island, 72.
Hudson River, 185, 191, 306, 325, 327.

I

Ireland, 7, 21, 22, 38, 46, 58, 65, 77, 82, 87, 96, 99, 116, 117, 121, 122, 128, 138, 142, 143, 152, 153, 166, 196, 203, 204, 205, 209, 215, 223, 232, 257, 282, 292, 297, 304, 306, 310, 324, 344, 351, 360, 367, 370, 379.
Island of California, 85.
  of Plymouth, 22.
Isle de Sable, 60.
  of St. Croix, 173.
    Starling, 191.
Isles of Capawock, 224.
  of Shoales, 98, 143, 147, 187, 207, 224, 274, 345, 351.

K

Kennebec River, 108, 109, 112, 178, 187, 188, 190, 210, 223, 277, 278, 296, 298, 299, 300, 304, 306, 322, 323, 325, 326, 344, 351, 362, 363, 364.
Kent, County of, 34, 66, 68, 100, 103, 110, 145, 211, 226, 300.

King's Province, the, 370, 380.
Kittery, Maine, 205, 208, 265, 273, 274, 275, 276, 288, 290, 303, 309.

L

La Cadia, } see Acadia.
La Cadie, }
Laconia, } 65, 98, 99, 102, 133, 134, 135, 136, 146, 214, 288, 308.
Lygonia, }
La Have, 311.
Lake Bequacack, 147.
  of the Irroquois, 101.
La Marie, Straits of, 55.
Lancaster County, 135.
Liconia, *see* Laconia.
Lincoln County, 80, 126, 165.
L'omeroy, 130.
London, 8, 9, 16, 22, 45, 46, 58, 99, 126, 129, 131, 132, 143, 160, 183, 184, 209, 248, 279, 360, 373.
  Coffee House, 86.
  Fetter Lane, 269.
  Martin's Lane, 131.
  Mercers' Hall, 295.
  Westminster, 7, 87, 99, 109, 144, 190, 192, 203, 209, 243, 278, 282, 287, 295, 297, 301, 307, 319, 321, 324, 341, 344, 350, 360, 381.
  Whitehall, 19, 73, 76, 182, 201, 221, 269, 376, 378.
  Winsor Castle, 328, 373.
Long Island, 188, 191, 305, 306, 325, 327.
Lunenburg, 281.
Lygonia, *see* Laconia.

M

Machegonne, 215.
Magellan's Straits, 55.
Magets, 383.
Maine, District of, 222, 245, 249, 267, 273, 274, 317.
  Province of, 62, 64, 68, 72, 87, 133, 135, 136, 137, 159, 178, 184, 222, 224, 226, 239, 243, 245, 246,
Maine, continued.
  248, 249, 251, 253, 255, 265, 266, 267, 288, 301, 302, 304, 305, 307, 308, 309, 310, 317, 330, 334, 337, 338, 339, 340, 341, 343, 344, 350, 351, 356, 357, 358, 367, 370, 380, 382.
  State of, 1, 208, 222, 266, 267, 277, 281, 308.
Manhattan, Island of, 185.
Marquoit, 362, 363.
Martha's Vineyard, 302, 307, 325, 327.
Maryland, 185, 222.
Masonia, 191, 192, 194, 207.
Massachusetts, 80, 86, 87, 108, 133, 179, 197, 198, 200, 243, 244, 267, 273, 274, 275, 288, 289, 296, 308, 310, 317, 322, 334, 336, 339, 340, 343, 350, 356, 357, 358, 359, 361, 367, 370, 379, 380, 382.
  Bay, 86, 87, 88, 90, 91, 308, 337, 338.
Mattawack, } 188, 190, 306, 325, 327.
Matowack }
Melliguesche, 281.
Menstrie, 57, 83, 129.
Mereconeag, } 361, 363, 364.
Merriconeag, }
Mereliquish, 283.
Merrimac River, 67, 88, 97, 101, 197, 273, 334, 337, 338, 339.
Merrymeeting Bay, 362, 363, 364.
Mescorus, 281.
Middlesex County, 136, 344.
Middleton, 377.
Mills River, 137.
Mirliquesche, 130.
Monhegan, Island of, 62, 64.
Monomack River, 88, 334, 337, 358.
Montreal, 384.
Montserret, 312.
Mount Desert, 382, 383.
Munster, 341.
Muscongus, } 81, 125, 126, 127, 281, 283.
Musrongruss, }
Muscontus, }
  River, 81.

N

NAEMSKECKETT, 258.
Namebeck, 186, 187.
Nantican, *see* Nautican.
Nantucket, 306, 325, 327.
Narragansett, 327, 367, 380.
  River, 111, 112, 186, 298, 306, 325.
Narrow Higansett, 327.
Naumkeck River, 193, 206.
Nautican, 224, 302, 345, 351.
Navarre, 2, 260, 269.
Nawtican, *see* Nautican.
Nequamkick Falls, 112, 298, 299.
Netherlands, the, 222, 341.
Newbury, 133.
New England, 15, 17, 18, 20, 21, 25, 26, 27, 30, 33, 34, 35, 39, 40, 41, 42, 45, 46, 47, 48, 49, 61, 63, 65, 66, 72, 74, 86, 87, 88, 89, 90, 91, 92, 96, 97, 98, 99, 101, 106, 109, 110, 111, 112, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 132, 134, 138, 139, 140, 143, 144, 146, 151, 152, 154, 158, 160, 161, 164, 166, 167, 169, 172, 177, 178, 180, 183, 184, 185, 189, 190, 191, 192, 193, 194, 196, 197, 202, 203, 204, 206, 207, 209, 210, 215, 216, 219, 221, 223, 245, 251, 257, 258, 259, 262, 273, 274, 277, 278, 281, 282, 283, 286, 296, 297, 298, 302, 306, 307, 322, 325, 326, 328, 334, 336, 344, 346, 351, 356, 359, 361, 367, 369, 370, 371, 372, 373, 379, 380.
New Foundland, 84, 382.
New France, 14, 172, 173, 174, 175, 176, 212, 213, 260, 269.
Newgewanache, } 309.
Newichwanock, }
  River, 187, 193, 206, 208, 210, 223, 224, 344, 345, 351.
New Guinea, 55.
New Hampshire, 64, 95, 97, 143, 191, 192, 193, 205, 207, 208, 367.
New Harbor, 81.
New Netherlands, 12, 14, 319, 330.
New Plymouth, *see* Plymouth, Mass.
New Scotland, 57, 82, 129, 132, 182, 188, 190, 306, 325, 326.
New Somersetshire, 214, 215, 216, 217.
New Town, 324.
New York, 314, 324, 326, 367, 372 380.
Nickatay, 258.
Nonsuch River, 137.
North Virginia, 259.
Nova Albion, 62.
Nova Scotia, 7, 57, 60, 76, 78, 79, 80, 83, 84, 109, 259, 269, 281, 282, 283, 329, 330, 331.

P

PAGISCOTT, } *see* PEJEPSCOTT.
PAGYPSCOTT, }
Palatine, County of, 222, 225, 302, 344, 346, 347, 348, 351, 353, 354, 355.
Paris, 265, 272, 278, 281, 384.
Pascataway, *see* Piscataqua.
Passamaquoddy Bay, 13.
Passataquack, *see* Piscataqua.
Patuckquett River, 258.
Pejepscot, } 150, 151, 177, 178,
Pagiscot, } 243, 244, 303, 361,
Pegypscott, } 362, 363, 365, 366.
  River, 64, 177, 363, 364.
Pemaquid, 80, 81, 165, 168, 188, 190, 304, 305, 306, 322, 323, 324, 325, 326, 372, 373.
  Falls, 81.
  River, 168, 326.
Pennsylvania, 379, 380.
Penobscot, 269.
  River, 127, 330, 331.
Pentacost, 283.
Pentagoet, 175, 260, 269, 278, 280, 281, 311.
Pesumpsca Falls, 215.
Petuaquine, 306, 325.
Piedmont, 92.

Piscataqua, Pascataway, 143, 146, 147, 161, 178, 179, 187, 206, 265, 266, 303.
  Harbor, 193, 206, 210, 223, 224, 246, 344, 345, 351.
  River, 97, 135, 147, 224, 273, 274, 302, 345, 352.
Plymouth, England, 8, 10, 20, 21, 22, 26, 33, 45, 87, 88, 89, 96, 109, 116, 126, 127, 142, 152, 203, 204, 209, 296, 337, 338.
Plymouth, Mass., 45, 46, 108, 111, 197, 256, 257, 258, 277, 278, 296, 297, 298, 300, 369, 380.
  County, Mass., 109.
Plympton, Mass., 108, 109, 111.
Poconockett, 111, 112.
Point Perrill, 258.
Port La Heve, 281.
Portland, 214, 245.
Port La Stere, 283.
  La Tour, 130, 281, 283.
  Le Meray, 283.
  L'Esmeron, 281.
  Royal, 278, 280, 281, 283, 311.
Pountegouycet River, 330, 331.

Q

QUEBEC, 173, 174, 213.

R

RANGELEY LAKE, 13.
Redunes, Reddownes, 185.
Rhode Island, 108, 380.
Richmond's Island, 155, 162, 163, 309.
River of Canada, 60, 83, 84, 85, 102, 188, 190, 306, 325, 326, 380; *see* also River St. Laurens.
  of Ingogon, 129, 283.
  of the Iroquois, 101.
  St. Georges, 281, 282, 283.
  St. John, 213, 261.
  St. Laurens, St. Lawrence, 262, 263, 264; *see* also River of Canada.
  St. Mary, 281.

S

SABLON, ISLE DE, 60.
Saco, 117, 122, 245, 288, 290, 291, 303, 309.
  Bay, 180.
  River, 117, 121.
Sagadahock, 62, 178, 184, 185, 186, 187, 194, 210, 223, 314, 319, 324, 344, 351, 362.
  River, 63, 67, 101, 134, 135, 189, 192, 207, 223, 224, 302, 308, 344, 345, 351, 352.
St. Christopher, Island of, 312.
Saint Croix, 188, 190, 325, 326.
  Bay, 172, 173.
  River, 57, 59, 172, 173, 189, 304, 305, 306, 326, 379, 380.
St. Germain, 175, 189.
St. Jean River, 213.
St. John, 278, 280, 283, 311.
St. Mary's Bay, 59.
Salem, 86, 164.
Salmon Falls River, 208.
Sawahquatock, 62.
Sawamsett, 112.
Sawnonsett, 111.
Scarborough, 180, 257, 282, 288, 289, 290, 291.
Scotland, 7, 21, 22, 46, 57, 58, 59, 65, 76, 78, 79, 80, 83, 87, 96, 116, 117, 121, 122, 128, 129, 130, 131, 138, 142, 143, 152, 153, 166, 181, 196, 203, 204, 205, 209, 215, 223, 292, 297, 304, 306, 310, 324, 344, 351, 360, 367, 370, 379.
Sebascoa Diggin, Sebascodiggin, 361, 363, 364.
Seriqui, Country of the, 59.
Setquin Island, 62.
Sharpenhow, 160.
Small Point Harbor, 362, 363.
Somersett County, 215, 344.
South Carolina, 301.
South Sea, 127, 380.
Sowamsett River, 258.
Spurwinck, 288, 303.
  River, 137, 151, 180.

Stechimini, Country of the, 59.
Stogummor, 215.
Straits of Anian, 55.
  of La Maire, 55.
  of Magellan, 55.
Stratton's Island, 137, 164.
Suffolk County, 98, 132, 282.
Surequois, Country of the, 59.
Suza, 92.
Swackadock, Swanckadocke, } 119, 123.
  River, 119, 123.

T

Terra Nova, 55.
Thornton, England, 131.

U

United Netherlands, the, 12, 14, 15, 53, 54, 56, 314, 319, 320, 321, 330, 331, 332, 341.
United States, 46.
Upper Clapboard Island, 288.

V

Vermillion Sea, 84.
Virginia, 6, 7, 8, 9, 10, 11, 14, 15, 16, 19.
Virginias, the, 262, 263, 264.

W

Warwick House, 160.
Watertown, 273.
Wells, 208, 265, 266, 290, 303, 309.
Weserunscut, 299, 300.
West Acadia, 260.
West Indies, 54, 55.
West Jersey, 380.
Whiteby, 63.
Worcester, 165.

Y

Yarmouth, 258.
York, 122, 126, 137, 165, 177, 180, 248, 274, 289, 290, 291, 301, 309, 310, 318, 361.
  County, Yorkshire, } 73, 80, 193, 205, 208, 214, 222, 273, 274, 275, 288, 289, 291,317, 318.